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BIOGRAPHICAL

SKETCHES

OF EMINENT

LAWYERS, STATESMEN,

AND

MEN OF LETTERS.

New England

"Oh! who shall lightly say that FAME
Is nothing but an empty name!
When mem'ry of the mighty dead,
To earth-worn pilgrim's wistful eye
The brightest rays of cheering shed,
That point to immortality."

BY SAMUEL L. KNAPP.

BOSTON:
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1821.

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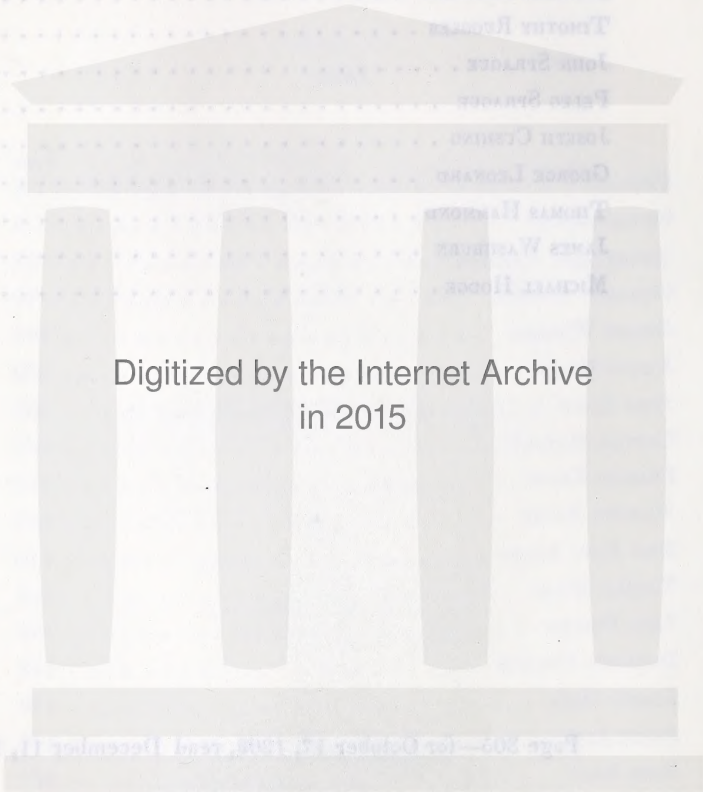

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PREFACE.

THESE biographical sketches were written in hours which should have been devoted to rest; but I trust that I shall not be charged with negligence in collecting materials, nor with carelessness in arranging them. I have stated nothing but what was received from unquestionable authority. It was found impracticable to follow the dictionary form in the order of this work, and I thought it unnecessary to be confined to the order of time. My object has been to give in connection with these notices of individuals, something of the history of the manners, habits and institutions of New England. How far I have succeeded in the attempt the reader can best judge. The second volume will, I have no doubt, be better suited to the taste of the public than the first, for in that I shall more freely avail myself of the labours of my friends. Sameness, of course, will be avoided, and this is one great evil to be feared in such an undertaking. In both volumes the productions of others will be designated by some letter as a signature. Some persons may complain that I have been more desirous of bringing lawyers into my book than other men. This is true. This field was less occupied than most others, and my partialities were with them. The authors of those excellent works *Eliot's Biographical Dictionary*, and *Allen's American Biographical Dictionary*, were clergymen, and knew more of political, literary and ecclesiastical characters than of lawyers. The labours of a lawyer have no variety in them,

and but little attraction. It is the every day business of life in which lawyers are concerned, and their deeds pass away, and are forgotten like the productions of the seasons on which we subsist, for however excellent or abundant they may be one year, they are hardly remembered the next. It is no easy task to collect even a few materials for biography. This difficulty and the spirit with which such facts are to be treated is most forcibly expressed by the profoundest moralist and ablest delineator of characters of the last century:—Dr. Johnson observes, that "the necessity of complying with times, and of sparing persons, is the great impediment of biography. History may be formed from permanent monuments and records; but lives can only be written from personal knowledge, which is growing every day less, and in a short time is lost forever. What is known can seldom be immediately told; and when it might be told, it is no longer known. The delicate feelings of the mind, the nice discriminations of character, and the minute peculiarities of conduct are soon obliterated; and it is surely better that caprice, obstinacy, frolic and folly, however they might delight in the description, should be silently forgotten, than, that, by wanton merriment and unseasonable detection, a pang should be given to a widow, a daughter, a brother, or a friend."

I have not only obeyed the wholesome injunction "nor set down aught in malice," but my conscience acquits me of saying any thing with undue severity. It may however be said that I have erred on the other side, and have praised too freely. My answer is, that from the myriads who are worthy of notice, I have selected those only, as subjects of remark, whose merits were in my opinion conspicuous. Yet I do not intend to be constantly searching for those once high in office and extensively known, for in every walk in life there are

many deserving of notice and regard who have lived in comparative obscurity. I shall not pay exclusive homage to the "mighty in intellect—to those of heavenly mould, who, like the giants of old, are the offspring of the gods and the daughters of men"—far from it—many others less imposing, whether in the professions, in philosophy, poetry or general literature, are better for example and instruction; they are nearer the level of human nature, and every thing which is said of them has a more common application and use. Demi-gods are but few, rising here and there through the long vista of ages.—Hercules wandered alone over the face of the earth, through wonders and perils to glory, and Alexander had no successor who could continue the power he had created; but the good and virtuous are not rare; they abound in every age. The latter like the stars in the milky-way shed a lustre on each other, while the former resemble the comets which have appeared in the lapse of ages, portentously blazing and suddenly passing away. I believe that it is not hard to abuse the living and the dead! for the vocabulary of envy, hatred, and malice are easily learned. I may be feeble and dull; but it shall never be said of me, in justice, that he strove to hide his weakness in rancour and to shield his dulness by malignity. A professional man finds it difficult to be a writer;—he has only a few hours in a week that he can devote to any subject not directly in his course of business, and in these moments he feels the lassitude which follows too constant exertions. This is the principal reason why distinguished men in the profession of the law give the world so few works of any kind; and indeed, what inducement any one can have, in this country, to write, on any subject, can hardly be conjectured by others, or accounted for by himself. If he labours for fame, how often is he disappointed? If for bread, how scanty is his fare? The

writer of American biography discovers impediments at every step, and is often placed in the same situation of the inventive mechanic in the rude stages of the arts, who finds so little prepared at his hands, that he is obliged to waste most of his time in settling elementary principles. The biographer feels the want of minute histories of states and small sections of country; when these are at his command the subject of a memoir can more easily be traced and identified, both by the writer and reader. By the aid of such works facts are recollected, being only mentioned, which, if not commonly known, must be detailed with the most painful accuracy to show their connection with the life of an individual. These histories will soon be supplied for us; societies are now formed and are every year increasing in number, for antiquarian and historical purposes, and are now, and will hereafter be more extensively employed in recording passing events and in exploring the history of early times. Other aids are multiplying to diminish the labour of the writer on American affairs. The great collection of books relating to this country which were gathered by the distinguished German philosopher, professor Ebeling, is now, through the munificence of an eminent merchant of Boston, the Hon. Israel Thorndike, at the University of Cambridge, accessible to the historian. Many of our literary institutions are growing rich by the donations of our opulent men, and the strict attention which is now paid by the guardians of these seminaries to their financial concerns. When public institutions are well endowed, and patronage is no longer wanted to encourage them, the liberality of the patrons of letters will reach individuals to give ardour and energy to the labours of authors, but for these Macenases to arise, those interested must wait patiently unto a distant day.

Boston, August, 1821.

INTRODUCTION.

OF law there can be no less acknowledged, than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power: both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy.

Hooker's Ecclesiastical Polity.

THE first settlers of New England were an intelligent people, brave, firm, and ardent lovers of liberty and wholesome laws. The pilgrims who first came to Plymouth were a set of men perhaps superior to those who followed them and settled other parts of the country. They early directed their attention to the forming of ordinances for the public good, which were considered as

binding as laws. It is true, that all their ordinances, political, civil and religious, bear marks of bigotry; but at the same time an acquaintance with the principles of the civil and common law, as well as much good sense, is discernible in all their decrees and orders. They were a peculiar set of men; driven from the old world for conscientious scruples, they had sought these inhospitable shores to indulge their love of freedom in civil and ecclesiastical affairs. One of the first ordinances, after their society was tolerably well organized, was made to establish the right of trial by jury, which is one of the great boasts of the common law. In three years after their first landing at Plymouth, the following ordinance was made, "It is ordained, 17 day of December, anno 1623, by this court then held, that all criminall facts, and also all matters of trespass and debts between man and man should be tried by the verdict of twelve honest men to be impannelled by authority in forme of a jury upon their oaths." In 1636 fearing that juries might not feel bound to follow the principles and spirit of the common law of the land from which they had emigrated, they again decreed—"That all trials whether capitall, or between man and man, be tryed by jewryes according to the presidents of the law of England as neer as may

be." At this time grand juries were established and their uses understood, and their duties pointed out with very considerable precision.

The love of life, and the dread which honest and fair minds feel in condemning a human being to die an ignominious death, made these virtuous men extremely cautious on the subject of capital trials; and all the humane forms and guards of the common law were strictly observed.

Although our ancestors were particularly careful to introduce the common law, yet many of its features were ameliorated by their statutes. The law of descent, and many others, were considerably changed within a few years after the first settlement.

The people in the other parts of New England had a great similarity of habits and feelings, and took nearly the same course in making laws and in the administration of justice; but many years elapsed before any thing like the courts of the mother country could be established here.

The necessities of the people did not require complex laws, and the general probity was a security in the ordinary transactions of life. Contracts requiring time for fulfilment were few, for most of the business was done by barter, and the prices of commodities were fixed by the common

understanding of the people, and of course exchanges were easy.

The first seventy years of their history passed away, producing but few, if any, distinguished lawyers. They were not wanted and therefore did not exist.

Under the old charter, for many years, civil and political affairs were so blended in the courts that any regular practice was impossible. The intention to do justice probably was as great as was ever known any where, but the maxims and rules of law, and the analysis of cases could not have been much regarded. Those who practised as attornies for other men—for at all times men will act by agents—must have been of but little importance in society, if we can draw any inference from the early records.

"At Plymouth on the 7th of July, 1681, this ordinance was made, Atturneyes allownce. It is ordered by this court, that there shall not be allowed above five shillings cost for any attorney, or attorneyes, to any one action—and when there shall happen to be but one attorney entertained but one day in any one action, then to have two shillings and six pence onely allowed him for costs therein."

The early historians speak of these men with reproach, and sometimes with contempt, but the

historians of that day were generally a little bigoted, and their opinions of men engaged in different pursuits, must be taken "cum grano salis."

At length, as the business of the community became enlarged, and of course more complex, wiser men were wanted, and more respect was paid to those who gave advice and direction in cases of intricacy and importance.

In the year 1692, the charter of William and Mary was brought to Massachusetts by Sir William Phipps. This charter, notwithstanding the murmurs made against it by the people, as an abridgement of their political rights and liberties, contained many excellent things. The best of which, were judicious provisions for the establishment of courts of justice.

The first courts established under this charter were composed of men of considerable standing in society, and jurisprudence began to be considered as a matter of consequence. But this auspicious dawn was overcast by clouds impregnated with the most dark and execrable superstitions, and many years of anguish ensued before a better and brighter day shone upon the whole country. There were parts of the land where this evil did not come, and many who never participated in the prevailing folly and wickedness. I allude to the trials for

witchcraft. In these trials the accused had no advocates, and public infatuation deprived them of an impartial tribunal. The judges, who should have been of counsel for the prisoner, when there was no other counsel, were led to violate every principle binding upon them in their high and responsible offices, and admitted testimony which could not be true, given in modes in which folly, fanaticism and malice were blended. Charity cannot hide that period of folly and crime, and memory refuses to give it up to forgetfulness. But it must not rest on the heads of the judges alone; the tribunals of justice must not be answerable for all these enormities; the clergy of that day must come in for their share of them. I do not intend to include all of them, but many of them had prepared the public ear for every idle tale of familiar spirits, incantations, and leagues with Beelzebub. MATHER was the sanctified leader of this diabolical frenzy, and poisoned the minds of the superstitious and ignorant. Almost every evil has some attending good. From the decay of nature springs new life. The storm clears the atmosphere, and superstition once seen and hated, produces a spirit of toleration, and brings on the reign of reason and liberality. After this troubled night of weakness and crime had passed away, its benefits were felt. The

whole community were sensible of the delusion which had governed them; the criminal code assumed milder features, and the administration of justice more lenient rules.

Still, however, for several years after the code grew better, the profession of the law was but little respected. Deputy sheriffs filled writs, and the chief advisers in most legal matters were clerks of counties and of towns. A few wise and learned men were scattered about the country, but their influence was not extensive, public prejudice had so mixed up trick and chicanery with the character of an able lawyer. But by degrees it was discovered that men of intellect and professional talents were necessary in courts of justice to manage the business of suitors with regularity and success. At length the courts began to encourage ability in the profession, and clients saw their true interests; and clients are the best, and in fact, the only patrons of merit.

At the commencement of the last century, JOHN READ, a man of genius and profound acquirements, began his career as a lawyer. To sterling integrity, extensive views, and decision of character, he added industry, and the laudable ambition of distinction in his profession. He reduced the jarring and contradictory forms of practice, to a

system; taught courts the advantages of precedents, and practitioners the value of knowledge. All that has come down to us from him shows acumen, research, and vigour of understanding. His pupils took him for a model, and found advantage from following his example. His coadjutor, PAUL DUDLEY, attorney general, and afterwards chief justice of the commonwealth, was a profound lawyer, and an excellent man, and assisted READ in giving tone and spirit to the practice of the law. GRIDLEY, SHIRLEY, BOLLAN, and others of distinction, followed, and assisted in carrying on the work which READ and DUDLEY had so auspiciously began. But error and ignorance are inveterate foes to the progress of information, and it was long before the influence of these men reached the other parts of the commonwealth. The example of the turbulent and factious is contagious, for the evil passions are readily excited, and even the example of the moral virtues is more effective than the example of that duty which requires patient and painful study, and long and strenuous discipline of the mind. Indolence, prejudice, and "hoary error" unite to impede the march of truth and science. Individuals, and communities are unwilling to be enlightened; they resist the light of knowledge like Saul of Tarsus, the persecutor of

old, until it is too powerful to be withstood, and pours its rays on their eye-balls as it were from heaven.

The next generation of lawyers formed bar rules to protect their rights, and ensure to the community a succession of intelligent practitioners in the profession. These rules were wise and judicious, and have been the basis of all the bar regulations which have since been adopted throughout this commonwealth. Among the luminaries at the bar at this time were, Otis, Thacher, Quincy, Adams, Dana, Sullivan, Lowell, and others, who have since been distinguished in the political world. These men profitted by the industry and talents of their predecessors, and added to the former stock of knowledge by procuring the recent English publications of standard authority. Previous to this time, a lawyer's library was, in general, very limited. Fifty, or an hundred volumes, were deemed a very considerable collection of books; there were however some exceptions to this remark.

From the nature of our government at that time, and the peculiar situation in which this country had long been placed, all our distinguished men had made politics their study. They not only discussed principles, but disseminated their opinions through

every part of the commonwealth. All lawyers of celebrity at that time, rode most of the circuits with the court, and becoming acquainted with the people, easily mixed with them, and gave a tone to their feelings, and a direction to their opinions. These shrewd observers perfectly understood what manner of men their fellow citizens were, and they knew what reliance could be placed on them in difficulty and danger. The most ordinary man in the smallest village, could repeat something which had fallen from the lips of these oracles of law and politics; and observers found that bold sentiments of liberty, sharp observations, and sometimes pointed sarcasms against the mother country, were most readily caught and treasured up by the people in general. Perhaps these men who governed and felt the public pulse, had not a distinct plan, nor at that time thought of absolute independence for their country; but this they certainly had in view, that as encroachment might follow encroachment, and irritation for a long time continue, that the public mind should be enlightened, and the nerves of the people braced against any evil which might happen. They knew that illuminated man is always a friend to just and equal laws, and an enemy to arbitrary power in every form that it may assume. It will not be denied by

the judicious historian that they did much in opening those fountains of political knowledge, whose streams continued widening and deepening as they rolled on, and, like the Mississippi, distributed their overflowing currents in numerous channels, enriching the public intellect, and causing to spring up those feelings, opinions and principles which carried on and finished the revolution.

At the commencement of the war most of the courts which were established had but little to do, except admiralty courts. These were indispensably necessary for the adjudication and condemnation of prizes taken and brought into the country by our armed vessels. The lawyers, except a few who still adhered to the mother country, were mostly engaged in political life, and some of them never returned to the profession. While the war for independence continued, the young gentlemen intended for the bar had an excellent opportunity of storing up information, for they could not enter into any business during these troublesome times. The moment that war had ceased, the talents and acquirements of this new generation were developed; they were full of life and action in forming constitutions of government, in establishing courts, and in making laws for the public good. They had been learning while

others were fighting, and reflecting while others were acting; and on the first opportunity discovered to their country that they had much of the wisdom of years, without the prejudices of old men. The history of our institutions bears witness to this remark, and where these institutions are most defective, the defects generally arose from yielding to the influence of some of their seniors, whose virtues were too conspicuous to the people to permit their prejudices to be opposed with success.

Many of the aged actors in the revolution, who had not much acquaintance with the new generation, were fearful that our national glories would be lost for want of a high minded race to complete the work of freedom. But their fears were visionary: the new race, like the chariot coursers of the ancients, exhibited a vigour and fire in proportion to the length of time they had been kept in the training, before they were brought in the harness to be yoked to the car. These remarks will apply to most of the states of the union, and to the great men who made their appearance at the close of the war. In the new state of things after the revolution, the people were cautious and doubtful of every thing; all arrangements were considered merely as experiments.

From prudence, perhaps, rather than from parsimony, they made all the salaries of public officers very small, and it was necessary for men of talents to make great pecuniary sacrifices in accepting any public office, and particularly that of a judge. The system of jurisprudence was only to be improved by gentle methods, and by degrees; and the lawyers took every opportunity to remove difficulties, correct abuses, and to bring every thing to a proper and just course. Nothing can be more absurd than that five judges, sitting in a trial, should each give charges to a jury, no two perhaps agreeing in opinion upon facts, and probably differing in some point of law. But notwithstanding this absurdity was so palpable, yet the lawyers had great labour in opposing public prejudice to obtain an alteration. This was only one of the many obstacles they had to encounter, in bringing about a reformation in our judicial tribunals.

The number of lawyers have increased more than four fold since the peace of 1783. There are not perhaps now at the bar so many distinguished men in proportion to the whole number, as there were at that period; but it is not because they have not as much knowledge and talent, but because the standard of greatness is altered. Then, the more exclusively a man was devoted to

technical learning, even to the total disregard of general information, the higher was his reputation as a lawyer among most people. The public taste was not then formed; the Gothic pile was preferred to the Grecian architecture, and the uncouth and narrow portal to the lofty arch; what was made rough and massy in appearance was supposed to be excessive in strength, without regard to the principles of its structure. They forgot that the beautiful and magnificent temple of Theseus had stood in its simplicity and loveliness amid the wreck of ages, while a thousand dark and ponderous towers had crumbled to the dust. At that period Coke was considered as the greatest lawyer that ever lived, and Mansfield talked of as a polished innovator. Time has changed the standard of judgment, and fixed the proper value on both. The windings and intricacies of technical learning in the law were thought as difficult to be traced as the mazes of the Cretan labyrinth; but the darkness is gone, and we travel in security where our predecessors wandered in doubt. Modern science has lighted up a torch for every traveller, and fixed a safety-lamp in every mine worth exploring.

A lawyer to be distinguished at the present day must not only be well versed in technical learning,

but have a general acquaintance with the literature and science of the times. The advancements of the age in metaphysics, physics, and polite literature, give an elevation to feeling, and a character to knowledge. The great lawyers of the present day bring all the lights of science to raise and adorn the profession.

The professors of the law from their habits, situation and relations in society have a marked and unquestionable influence on the moral, civil and political affairs of the world. In every country where an altar has been erected to liberty, there the profession has been found, and it has flourished in proportion to the extent and permanency of the freedom of the people. In Greece existed eloquent advocates, orators and lawyers, skilled in the technical proceedings of the profession, to defend the accused, and to prosecute for the rights of the injured and oppressed. The orations of Isæus, and the bold, argumentative, and pointed speeches of Demosthenes, have been preserved as models of splendid eloquence, and profound reasoning. It is the prerogative of a freeman to make use of the talents of another in his own cause. He has a right to call to his assistance such powers of mind as he can obtain, and as it were to choose his champion to enter the lists against his adversary.

In Rome this profession was divided into lawyers, technically speaking, and advocates, or orators. Their characters, their influence, their rank in society, and even their manner of speaking, has been preserved to us by that most splendid of ancient masters in eloquence, Cicero, who enamoured with the profession, pursued it with unequalled ardour and success. The lawyers and counsellors of Rome were the first men who broke down the preposterous principle, that the son could hold nothing which might be called property, during the life of his father. The sums paid to an advocate, not being the wages or dues of hire, but honorary gratuities, were exempt from the common, but absurd rule, that having inherited life from a parent, all the earnings of the son were subject to his disposal for that gift. This property, the fees of the advocate, arising from superior intellect, was the gift of the gods, and of course not to be considered with ordinary treasurers. But the great men of Rome had no certain power and interest in the public; sometimes they were overpowered by the turbulence of democracy, and sometimes frowned to silence by arbitrary authority. The first fair and legitimate period for the exercise of legal talents, was from the reign of Elizabeth in England, to the present time, and in our country from 1760,

unto our day. But leaving the profession in England for others to describe, I shall confine my observations to the United States. It is true that here, we have not a body of nobility, nor do we suffer from a loose, uncertain, vacillating population, but there exist classes in society, which have, and ever will have, interests apparently different, and will pursue them with pertinacity and untired ardour. The lawyers in this country are a class of men placed precisely between these parties. They know their rights, and the value of freedom and good institutions to all. They spring from all ranks, without the peculiar feelings of any one. Their education and pursuits lead them to a full understanding of the value of civil, religious and political liberty; and the constant exercise of their faculties, makes them fearless of declaring their opinions. In this situation they stand, assisting to keep the aristocracy from committing injustice and oppression, and democracy from sweeping away every thing, by wild uproar and confusion. They are placed between contending parties and interests, to prevent feuds and outrage. I speak of natural, not occasional and accidental parties in politics. With unabated industry, they reach, but seldom go beyond the prayer of Agur; they have neither poverty, nor riches; and indeed seldom

from fulness forget the duties they owe to man and God, and rarely from poverty abuse the rights of others. It is not of individuals I speak, but the body of the profession. Neither class of people seem at all sensible of what it owes to the profession, nor does the profession know at all times the relation in which it stands to such differing interests in the community. It is not that men in this profession have more patriotism than others, but the whole arises from their situation, pursuits and habits of thought.

I am not ignorant of the great and lasting benefits mankind have derived from a learned faculty in medicine; I consider a philosophical physician as the Hierophant of nature, who explains her mysteries, and records her laws; and a wise and pious clergy, as a body of men, whose lives are spent in giving stability to morals, and elevation to hopes, whose holy office it is to brace the mind of suffering humanity by the precepts of wisdom, and to smooth the bed of the dying, by the promises and consolations of inspiration. I reverence the great and good men of all professions and pursuits; but no one will think it unjust to observe, that neither divinity nor medicine is so directly connected with the political or civil relations of life as the profession of the law.

Connected as this profession is with the business of life, and established to promote knowledge, and to secure rights by the administration of justice throughout the community, it might naturally be inferred that its disciples were the happiest of men; but this is not true. The days of preparation and pupilage are long, and after they are closed, many years must pass away before a lawyer, even by the most painful industry, can obtain sufficient science, readiness and experience to gain public confidence, and important business. If wealth be his object, he sees a host in this profession lingering in obscurity, while but a few rise to eminence, and accumulate riches. If fame and office be the pursuits of his ambition and wishes, he discovers in his progress, that the jealousies of men are forever against him as a lawyer, arising no doubt from their misunderstanding his duties, and sad experience will often teach him, that even feeble rivals will sometimes be more successful than himself. He is not only subject to the prejudices of common minds, but has frequently to meet the indignation of the satirist. Accustomed to make the information of others subservient to the purposes of justice in the regular course of business, and having the power to bring any one before a tribunal by compulsory process, to make him

pour out that knowledge into the legal alembic for ready use, the lawyer without great care in the moments of haste and anxiety, is apt to forget that gentle spirit, which illicits truth with purity and freedom. Accustomed himself to pungency of remark, and indifferent to its effects, the advocate sometimes does not recollect, that others, and particularly retired and literary men, have feelings more attenuated and delicate than those who are constantly in contact with the world. The slightest wound among tender fibres festers suddenly, and is long in healing. The amenity of modern manners, however, is rapidly doing away this stain on the courtesy of the profession.

There ever have been, and ever will be, some miscreants in every walk of life, and law has its share. Quackery is not confined to any particular profession. The ignorant pretender to a knowledge of medicine was described by Hippocrates, as a wretch whom no law could reach, and no ignominy disgrace. The fanatic in religion, who turns the world upside down, is a grievous nuisance to society, and a disturber of all that is settled and formal in religious establishments; but the pettifogger, whose knowledge is scanty, and whose honesty is equivocal, has a still greater opportunity to do mischief. Sheltered by the salutary forms

of the law, which were made for wise and good purposes, he becomes the organ of all the little, pitiful venom and oppressions, which mean spirited malignity wishes to exercise against those whom it has power to injure. By means of these wretches malice assumes the scales of justice, to mete out bitterness, extortion and vengeance by standard weight and measure. Without intelligence or principle, without firmness or courage, but by a seeming regard to official duties, and want of strict justice, they wring from the widow's hand the cup of water, and from her orphan children the crust of bread; and what is worse, they sometimes acquire a name for smartness, readiness and punctuality, and grow fat upon the fruits of extortion. But they are not numerous, nor are they respected for honesty or intelligence. They are only "vermin gendered on a lion's crest," and are named, only to be abhorred.

Political prosperity may suddenly change and bring disappointment and distress to a nation, but the information and habits of thinking and acting acquired by individuals, and the whole character and influence of a profession, cannot so easily alter. Relations in society which are formed by mature reflection, will be maintained so long as knowledge is diffused, and liberty and all its valu-

able institutions are considered a blessing. There is now a permanency in knowledge, of which former ages could not boast. Science and learning, which consisted in facts, when transmitted by tradition, or committed only to writing, which might easily be lost, were of very uncertain continuance. The wise were in constant dread, that some valuable principle would be lost by negligence, or perfidy, but since the age of printing, that fear has disappeared, and the sage in any science has no apprehensions for the fate of his discoveries.

The law which depends on correct analysis and nice distinctions, formerly was not only difficult to obtain, but still more so to preserve; but since the mature decisions of its learned professors on the bench have been recorded with technical precision, and reported with professional accuracy and care, much labour is saved. and many doubts removed. The science is enlarged by the wisdom of every age, but the facilities of acquiring knowledge increase faster than the exemplifications of principles and opinions.

Every profession has, and ever will have, its greater and lesser lights, whose parallaxes it is difficult to measure. The eye of the mind has its optical illusions, and mental, as well as natural

vision, is liable to deception. The moon, before the world knew much of astronomy, was considered a larger planet than Jupiter or Saturn; and many feeble and weak minded men have from accidental circumstances, and from the ignorance of those around them, appeared large and permanent luminaries, while those from whom they borrowed their light, were not seen. One of the great benefits to be derived from the increase and diffusion of knowledge is, that it enlarges our views, corrects our judgments, and gives us an opportunity of forming fair and judicious opinions of men.

Political agitations, and party feuds, often elevate ordinary men for a while, as the most common of the feathered tribe are raised beyond their proper altitude, when they venture a flight in a storm; but the strength, the courage, and the pinions of the eagle, are required to soar, and poise sublimely in the higher regions of the air, in the hours of calm and sunshine.

If some few in this profession do not receive such emoluments and honours from the public as they merit, it is no more than can with truth be said of men of talents in every walk of life. Bread is not always given to men of understanding, nor favour to men of skill, but time and chance happen to all.

Of statesmen and men of letters I shall say but little in this place. In the sketches of their characters, such remarks are made as occurred in writing them. Literature and politics are generally pursued by most men of talents in this country in a greater or less degree, according to their opportunity and disposition; but our statesmen and literati cannot as yet be considered as classes of men exclusively devoted to politics or letters, for they are now found mostly attached to the learned professions. Some few there are who make it the whole business of their lives to pursue the delightful wanderings of science and letters, and a fewer still are constantly engaged from manhood to age in politics; but their number is too small to have any particular influence upon society. Our numerous state governments are favourable to the growth of politicians. The legislatures of the several states are so many schools for the education of statesmen. A general diffusion of knowledge is the foundation and prop of republican institutions. In achieving our independence, and in building up our national character, a long list of statesmen arose from every grade of life, posessed of knowledge, firmness and love of country, whose labours and whose fame deserve perpetual remembrance. These men were not only rich in

the gifts of genius, and the virtues of patriots, but were able to defend and support their opinions with eloquence, and enforce their reasoning with the charms of the most finished composition. The declaration of independence, and the addresses of the American Congress to the king of Great Britain, have been ranked by competent judges among the productions of the master-writers of the first classic age of the world.

Although we have but few men wholly devoted to letters, yet the progress of knowledge in this country is rapid beyond the calculations of the most visionary patriot of the preceding age. There is an awakening spirit gone abroad through the land, and the obstinacy of sturdy ignorance, and the indifference of busy thriftiness, are fast yielding to the progress of literature and science. The most stupid can see that science has come from heaven, to enter the work shops of the mechanic, and to travel on the high-road of business, to facilitate the labours of industry; and it is not difficult for common intellects to perceive that letters are connected with science, which is so valuable even for the ordinary purposes of life.

In New England, societies are every day springing up for the diffusion of knowledge and charity; but I will leave her laws, and her institutions, be-

cause it is natural for every man to "garner up" his affections for his birth-place, and say too much.

In looking over our extensive country, how cheering is the prospect to the literary philanthropist! "Penn's throng'd city" is a morning star in the celestial hemisphere of light and knowledge. Her numerous institutions for the promotion of the fine arts, science and letters; her periodical productions of taste and talent; her ardent and steady perseverance in the cause of knowledge and humanity, give her unquestionable claims to distinction. New York, whose high destinies are no longer within the scope of prophecy, but are matter of fact and sober calculation, and who is not so much absorbed in her domestic politics as she seems to be, is ambitious in the pursuit of knowledge, and whenever she moves, it is with mighty strides, and whatever she grasps is held with giant strength. The cities of the south are full of literary emulation. The western wilderness has already blossomed like the rose—there "beyond the mountains" literary institutions are established under the care and guidance of the proudest talents of the atlantic states.

But from the course I have prescribed to myself I cannot dwell long on things present, nor indulge in many conjectures of the future. The past alone

is my province, and I must close my eyes on all the delightful visions which float before me. I go back to the mansions of the dead, and to the shades of the cypress and the willow, to broken tombstones and obscure epitaphs, to partial histories, and scanty traditions.

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PARSONS.

THE features of some men, who have a marked and strong physiognomy, are familiar to us in the productions of every artist, who attempts to give their likenesses to the public. There are expressions too striking to be lost. Nature will not suffer her distinguishing lines to be forgotten by carelessness, or effaced by want of talent. The heads of Shakspeare, Bacon, and Napoleon, are as well known by the wretched cuts of a print-shop, as by the productions of the pencils of Reynolds, and David, or the graver of Fuseli. It is the same with the moral and mental qualities of some great men, drawn by ever so ordinary a writer, their superiority is evident. A mere sketch assists us to preserve a remembrance of those whose talents and virtues deserve recollection; and from faint outlines, the able historian frequently forms an ample, beautiful, and imperishable biography.

It is a trite, but incorrect remark, that it is one of the highest efforts of the writer to delineate the character of a great man. The dull and regular

features of imbecility, or mediocrity, are more difficult to trace, than the bold impressions of genius; more taste is required to describe "the elegantly little," than "the awfully vast." To show the moth-worm from its birth in the dust, through its chrysalis state, to its bursting into life, in its second and beautiful form of existence, spreading its new born wings to flutter and revel in the sunshine, and pass away on the summer breeze, requires a higher effort of talent, and demands more powers of description, than it does to give the whole history of the hundred years of the life of the eagle. It requires more delicacy and judgment to describe mount Hymettus with its flowers, and the course of Illyssus, with its delightful wanderings, than it does to make a map of the Mississippi, which springs from one side of the continent, and empties its waters on the other, or to trace the Andes, in whose giant shade the nations of the world might repose.

With the character of a great man, the writer can take the latitude of an historian before the tomb has closed on the ashes of his subject. Time is not wanted to soften or hide defects, when the high qualities of the mind over-balance them; but for the dead whom fortune once made conspicuous, when nature did not intend them to be great, the

eulogist must collect their virtues, and dispose of them with such skill and care as to bring whatever is good, or commendatory, into the light, and conceal their defects in the shade; while the biographer of true greatness, having no need of disguise, goes on with honest simplicity, and tells the world all he can gather, and all he knows. Influenced by such reasonings as I have attempted to give, and illustrate—and believing that my outlines will, at a future day, be filled up by some master-hand, I have ventured to place among my sketches the late Chief Justice PARSONS; a name which fills the largest space in the annals of our bar.

THEOPHILUS PARSONS was born at Byfield, a parish in the town of Newbury, in the county of Essex, on the 24th of February, 1750. His father was the Rev. MOSES PARSONS, the clergyman of the parish, who had several sons distinguished for their talents. To three of them he gave an education at Harvard University, and two others were bred as merchants. This family had great advantages in obtaining the elementary principles of knowledge, as there was an academy in the very neighbourhood, the first which was founded in New England. Most of the eminent scholars of

the last century in this commonwealth received the rudiments of learning at this institution. At the time PARSONS was a student at Dummer academy, it was under the care of the celebrated master MOODY, who lived to a good old age, and was well known to those of our day, as a man of learning and piety: but remembered, perhaps, more for his singularities, than any other American instructer. He was constantly compared to Busby, Sheridan, and master More, for extensive information and eccentricities. His pupils were always considered by him as his children, for he was a bachelor, and he claimed an interest in their fame and success, or sympathized in their misfortunes, whatever time had elapsed since they had been under his care, or whatever distance separated them; and in every interview with them he still remembered that he was once their tutor, and kept up his former air of superiority and distinction. PARSONS highly respected his old instructer, and frequently, even to his last years, amused himself and his friends with anecdotes of his goodness and eccentricity. At this school PARSONS was distinguished for his capacity, and acquirements, and always obtained the highest eulogy his old friend had to bestow, "he is a brave boy," which epithet with him retained its original signification. From

this school PARSONS went to college, in the year 1765, and was ranked among the first of his class; and at the time when he graduated, was thought by many to be the first in talents and knowledge, of all who had graduated for many years. The late judge TUDOR was his chum, and class-mate, and used to describe with great minuteness and accuracy his course of studies, his tastes, habits, and disposition. No one knew PARSONS better than this excellent man, for they were intimate friends for forty-eight years. PARSONS commenced the study of the law at Portland, then called Falmouth, with the late judge BRADBURY. During a part of the term of three years he was engaged in keeping school, and when he offered himself for admission as an attorney in the courts, an objection was made, stating this fact; for the rule requiring three whole years, uninterrupted by any other occupation, to be spent in a counsellor's office, had been established by the bar in the county of Suffolk in the year 1760, and agreed to afterwards by the bar throughout the commonwealth. PARSONS urged his admission, alleging there were exceptions to all rules, and requested that those learned in the law might examine him; this was so far done as to satisfy the bar that he was a young man of singular acquirements, and

worthy to be admitted to practice, and their consent was unanimously given; so that in truth he was distinguished as a lawyer at the very commencement of his career. He continued in practice in Falmouth until the courts were stopped by the revolutionary proceedings, or the place was destroyed by the enemy in 1776. During his stay in that place, he was zealously engaged in arresting the progress of pettifoggers, who carried on their trade with great success at that time, in the province of Maine. He was fully sensible that the dignity and usefulness of the profession depended in a great measure upon the observance of strict rules and regulations in practice, and he fearlessly made a struggle against popular opinion, to put down this contemptible class of men, who profess to make law cheap, while they only instigate suits, and lead clients into error, and frequently to ruin. He wrote upon this subject to his friend judge Tudor, who was then, though very young, a member of the legislature, in order to procure the interference of that body in suppressing their practices: but it has ever been found that no law can reach this class of men; and that nothing but the progress of good sense in the community can destroy them.

Parsons returned from Falmouth to his father's house in Byfield, where he found that eminent

lawyer, judge TROWBRIDGE, who had left Cambridge, his usual place of residence, having resigned his office of judge of the Superior Court, soon after the battle of Lexington, and retired from the storm, to repose for a while at Byfield. TROWBRIDGE had been distinguished, not only as a profound lawyer, and an able advocate, but as a zealous law officer for government, having been attorney-general for some time before he ascended the bench; but when he saw the people rise in hostility, his courage forsook him, and he fled from the confusion around him, and tried to shut his eyes to what was going on, or to keep the din of arms from disturbing his lucubrations. He was pursuing his legal investigations with the ardour of youth, and must have felt no small delight in having a pupil, or an associate in pursuing this course, possessing the knowledge and talents of PARSONS. They went on together for some time in a mansion of peace and quietness, where no warlike foot ever came to disturb their contemplations. The mind of the judge had reached its highest powers, and his knowledge was extensive and mature. Severe application abstracted his attention from the political world, and he felt the highest pleasure in pouring out his stores in profusion upon one so ready to receive, and so capable of appreciating them.

When the courts were revived in 1777, PARSONS opened an office in Newburyport, where he soon became conspicuous as a lawyer. This town was, at that time, a place of considerable trade, enterprise, and fashion; and formed, as he then supposed, a sufficient field for his abilities; but in this he was mistaken; such a man should have commenced in the capital.

In 1777, the legislature not pleased with their situation without a Constitution, formed one, and sent it out to the people for their consideration, having been invested with powers for that purpose by their constituents, when they were elected to represent them in the legislature; but the best informed men saw in it gross defects, and were determined that it should not be adopted. Several towns in the county of Essex sent delegates, who met at Ipswich to consult on this subject, and after several adjournments, the famous report was made, which was called the ESSEX RESULT. In this report they discussed the question with great ability; pointed out the errors in the Constitution proposed for the people, and fully offered their opinions to the public on the subject. PARSONS was one of this committee, and drafted the report; in some things he was controlled by the other members, and would not avow all the principles

advocated in this result as his own, but he was in fact the author of it. This production contains all the principles incorporated in the best constitutions of government to be found in our united Republic. In this, the true elements of a republic were put into a reasonable shape, and practical form, without any of those revolting eccentricities and fooleries, which are so often mixed up with the first ebullitions of liberty. The style of this production never satisfied its author; he attempted to exhibit these important principles in a popular manner, that they might seize the feelings of the people, as well as to convince the understandings of the enlightened; but he ever after felt assured that his talent did not lie that way. He was made to forge the massy links of the chain of reasoning, to bind the understanding; but never could file and burnish them to please the imagination; yet notwithstanding PARSONS did not satisfy himself in the style of this work, no one ever complained of it, or had cause to complain. True criticism is seldom busy when the matter is sound, and the subject interesting.

The French revolution followed our independence so soon, and the French in their enthusiasm caricatured every feature of liberty so hideously, and put at defiance every thing like taste, truth, or

decency, that every man of common sense began to blush for himself, in thinking that he had ever indulged in romantic visions of freedom. Under the depressing restraint of despotic power, or in the enthusiasm of extravagant or licentious liberty, we seldom find a pure, chaste, elevated, and manly style of writing. The regular tone is lost, and the pulse beats too quick, or too slow, under the influence of either.

In 1779–80, a convention of delegates from the several towns in the commonwealth met, and after much discussion, prepared a draft of the present Constitution, to be offered to the people for their consideration and adoption. In this body he was a delegate from Newburyport, and had no small share in their labours. This constitution was not exactly what was wanted to suit the most enlightened men; but on the whole it was the best which could be obtained, and its general features were not very displeasing even to those who wished to change some portion of them.

After the close of the revolutionary struggle, the Congress of the confederate states dragged on a feeble existence; not wanting in dignity and talent, but without powers suited to the great concerns of the nation. The immediate pressure was gone which had given authority to their laws, if they

deserved that name. The states were jealous, and reluctantly yielded to their control, even on those subjects which could not be managed by them individually. No national enterprise or prosperity could be expected while things were in this situation, and the people of the north and the south felt the necessity of a different system of government. A general convention was called, which formed a constitution, and submitted it to the several states for their adoption. The convention for Massachusetts assembled at Boston in 1789. A great mass of talent was collected in this body. The wise part of the community knew that the people had just paused from the labour of opposing parliamentary oppression, and were jealous of the forms, even of wholesome restraint. Reason, eloquence, and management were put in requisition to enlighten the dull, secure the timid and wavering, and to convince and bring over the obstinate. Great exertions were made to elect the first characters in Massachusetts. DANA, STRONG, CABOT, KING, AMES, and a host of distinguished statesmen were sent to this convention, for the question was considered as affecting the vital interests of the nation. The eyes of the world were on the Republic. The lovers of aristocracy and monarchy were hoping, and no doubt, were fully persuaded that the people

had not sufficient discretion or virtue, to preserve the rights they had won, and that all would be lost in factions and disorder. PARSONS came to this body with solemn apprehensions of failure, but with a fixed resolution to spare nothing to obtain the adoption of the constitution. Though he had laboured but little for fame, and never courted popularity, he felt it necessary to use every fair mean in this cause; the whole stores of his learning, all the powers of his mighty mind were brought to bear on the question; and his opponents felt the force of his wit, and the power of his argument; the demagogue shrunk from the shafts of his satire, and the obdurate retreated from the tremendous weight of his blows. He did more, he discovered the doubts of the feeble, and gently removed them; he sunk the proud pre-eminence of genius, in his anxiety for success, and firmly attached to his cause, by the amenity of his manners, those whom his reasons had not entirely convinced. An anecdote will illustrate this. A clergyman in the convention, a man of strong puritanical feelings and habits, was opposed to the proposed constitution, because he saw danger in giving men too much power; the common objection made to it. PARSONS, by frequent conversations had made a deep impression on his mind, and he was yielding to

the arguments against his fears on that point, when he raised another, which he thought no one could remove. He said that there was no presiding angel at the formation of this instrument; it could not be good, for the name of God was not in it. Parsons instantly replied that such an argument would go too far—so far as to destroy the authority of one of the most interesting of those books in the Bible which were held canonical; for one of the books of the Old Testament had not the name of God in it. The astonished clergyman said, if such a book could be shewn, his scruples would certainly be shaken; but asserted that no such book could be found. He was requested to read the book of Esther; and in truth the name of God could not be found in it, directly, or by any appellation of God-head. This is told to shew the influence he had over those on whom he fastened. It is a fact too well known to repeat, that only by great exertions of the enlightened part of the convention a majority was obtained, and peace, happiness, and national dignity secured.

In this convention was Rufus King, a man born for distinction in any course he might have pursued; he was zealous in the cause of rational freedom; and his splendid speeches are remembered as models of elocution. This was the only man

who ever stood for a moment as the rival of PARSONS in his own neighbourhood. KING had been the pupil of PARSONS; had graduated with the reputation of a man of sound sense, and elevated genius; and had sustained and increased that reputation while pursuing his law studies in Newburyport. On his admission to the bar he began a high display of the most popular talents. His manners, his person, his eloquence, and above all, his desire to please, aided by his true merits, made him the idol of the people. Soon after his admission to the bar, he was sent a representative of the town to the legislature of the commonwealth, and from that body was chosen a delegate to Congress. From KING's becoming devoted to politics, PARSONS seemed to be destined to have no one in his way, to occupy his thoughts for a moment. Sensitive, bold, and decisive. KING was formed to feel with acuteness, and to oppose with firmness; but fortunately the collisions of PARSONS and KING, if they ever had any, were but of short duration. At that time, and in after years, these gentlemen respectively bore testimony to each other's worth, and defended each other's reputation. Greatness is seldom allied to meanness, and the brightest and wisest of mankind rarely harbour feelings of permanent jealousy and hatred. The high-minded

may meet in the storm, and be brought into strife by the elements, but the bow of peace is soon seen in the heavens, and the calm sun-shine follows.

Parsons continued to reside in Newburyport for many years; but his business in the courts kept him from home no small portion of his time; for he was not only called upon professionally in various parts of this commonwealth, but was also engaged in many important causes in the neighbouring states. A large portion of his relations and connexions lived in Boston, and they, with his other friends, prevailed upon him to leave Newburyport, and come to the metropolis. This took place in the year 1800. Though persuaded that it was his duty to change his residence, yet through life he cherished the remembrance of the place where his fame had taken root, and grown, and expanded; for there his first patrons lived; there he selected the partner of his days, and there his children were born. In Boston, he found more men of congenial minds, and sufficient business of magnitude and profit, and it became unnecessary for him to leave the town, to attend the courts at a distance. This removal should have been earlier. A great man is never properly at home in a small place; the larger the city, the more certainty there is of his finding a just appreciation of his merits,

when they are grown to maturity. Had Cæsar ever lived in a village, the ambitious remark to his friend would never have been made; had he known all the divisions, heart-burning, and intrigues of a little town, he would not have preferred *being first there, to being second at Rome;* but in their several callings they were both born to be second no where. Old friendships are necessary for the stock part of the enjoyments of life; but when the circle is small, we soon become acquainted with the powers, opinions, and dispositions of our associates, and want something new, to relieve us from lassitude, or to enliven a dull hour. Where learning, business, and amusement are found, there is the place to improve and enjoy. PARSONS practised as a lawyer in Boston for six years, and was engaged in most causes of intricacy, or magnitude, at the terms of the supreme court at Suffolk; but he would have found sufficient employment at his chambers, without ever attending a court, for merchants, lawyers, and statesmen crowded his rooms, for advice and direction.

In 1806, chief justice DANA, oppressed by the infirmities of age, resigned his office, and every eye was turned on PARSONS as his successor. The judges were anxious to profit by his profound knowledge of the law, and the whole community

were desirous to see him at the head of the judiciary; but it was a question among those who most earnestly wished to see him chief justice, if he ought to be urged to quit his profession, when it was so lucrative, and make such an immense sacrifice to the public. His income might have been, without extravagant charges, from six to ten thousand dollars a year, and the chief justice received then but twenty-five hundred dollars a year, a very scanty compensation for such men as filled the bench at that time. Governor STRONG nominated him, though rather doubtful of his acceptance of the office; but he did accept it, and addressed a letter to his Excellency, full of unanswerable arguments, for increasing the salary of the judges. Every sentence of this letter was marked with modesty, and independence. The Governor, in his speech to the legislature, made on the 21st of June, 1806, recommended the arguments in this letter to the attention of that body, as giving his own views on the subject of a *permanent* and *respectable* compensation to the judges of the supreme judicial court; and much to the lasting honour of the legislature of that year, the salaries were raised to the present establishment. In this appointment the public expectations were fully realized, for he was the pride and boast of every

enlightened, unprejudiced man in the commonwealth, until his death, which happened in October, 1813. His health had been declining for some time, yet he continued to be active and laborious in his office, until within a few months of his death. This event was felt as a general calamity; the bar throughout New England deplored the loss of this great master in the profession, and the learned bench of judges mourned the extinguishment of the brightest luminary in the temple of justice. His associates, judges SEWALL and PARKER pronounced eulogies upon their friend and brother, and the people sincerely sympathized with them in the irreparable loss the community had sustained. What SEWALL said, I believe, is not in print, except in the newspapers; but PARKER'S eulogy is to be found in a volume of the Reports of the court, as well as in a pamphlet. The production is a chaste, appropriate, and discriminating sketch of the character of a man, whose eulogy could hardly be made extravagant.

That independence of character, which arises from talents, and a consciousness of being able by the exercise of them to be, at all times, and in every place, raised above pecuniary evils, is perhaps not rare; but then this firmness, and elevation of soul is frequently affected, and its fine displays

lost by the situation of connexions and friends; and sometimes by the goodness of disposition attendant on this very spirit of independence. Most men, however brave, feel an unwillingness to contend with powerful coteries, whose friendly opinions, if not absolutely necessary to success, are certainly convenient to advancement and distinction. Most men, however well armed, would prefer a passport for travelling on an old and guarded way, to cutting a path for themselves. It is natural for us to lean on one another, to save the pain or the dread of standing alone; but when Parsons commenced life, it was a singularly fortunate moment for such a man to carve out his own course, and freely, and independently to pursue it; and never did a man do it more successfully. The revolution had changed the manners, habits, feelings, and the opinions of the people; and such a man, active, intelligent, and confident, gave impressions to society from his own modes of thinking; directed the course to be pursued, and was seldom biassed by the opinions of others, or rarely followed when they led. The influence of intellect is always great in every community, but never more so than when the people are in difficulty, when things are in an unsettled state, and the social compact is but on trial. He never made the

least struggle for popularity, for he had no little ambitious calculations. The pomp and pride of office had no charms for him; indeed it was higher play to direct those who held them, than to go through the drudgery of them himself. Always sure of the first business in his profession to the full extent of his wishes, and having no avaricious feelings to gratify, or speculations to pursue, there could be no necessity for him to court the wealthy and the proud, and he had no wish to trample on the poor and humble; hence he was in truth one of the most independent men that ever lived. To analyze a mind like his, would require more labour than the writer of this sketch can bestow, but there were some traits in his character too conspicuous to be noticed only by general remarks. His memory was wonderfully tenacious. All the elementary or light readings of his childhood; the studies of youth and manhood, and the researches of his graver years were, to the last of his life, fresh in his recollection. Dates, which seem difficult to keep in mind, the most uncouth names of persons, or places, and the most trivial epitaph, and even common remarks in conversation, were remembered by him with such accuracy, that one would have thought that he found it impossible to forget any thing he had ever seen, heard, or read. His

memory was not of that desultory sort, which is sometimes found where the judgment is feeble—a simple power to retain without the faculty of classification, or arrangement; but in the store-house of his memory, every thing, however small, was laid up in proper order. He seemed to have the same control over his thoughts, that a disciplinarian has over his men; they came, retired, concentrated, or scattered, were condensed in column, or extended in line at his bidding. To the inequality of the power of fixing the mind on a subject offered for consideration, and in embodying and arranging the thoughts upon it may be attributed, more than to any other cause, the intellectual differences among men. On all questions, even the most intricate, he had such a rapid and intense concentration of thought, that there was an air of suddenness in his most sound and well matured opinions; but the appositeness of his remarks, and the justness of his decisions, evinced the spirit of deep reflection, or of intuition. His imagination was sometimes warm, and always prolific; and at times, in his youth, like Mansfield, Blackstone, and other great lawyers, he felt and avowed the influences of the muses; but his taste led him rather to laugh at folly, and satirize superstition, than to indulge in the plaintive and sentimental. That he was not

a poet of high order, was not for want of genius, or taste; but poetry was incompatible with his professional pursuits. The rose will not flourish where the oak is planted and growing; and on the soil where flowers spring spontaneously, the honeysuckle and the woodbine must be trodden down and grubbed up, if the husbandman makes judicious calculations for a harvest. His readiness of conception, his power of retention, and his ardour and perseverance in the acquisition of knowledge, made him one of the most learned men of his time. To those around him his acquirements seemed prodigious; other men they could measure and survey their intellectual dimensions, but his elevation was to them inapproachable and immeasurable; but the proportions of any man can easily be ascertained when he is dead, for he is found at last to be mortal, and cannot have been so much beyond others, as when living, he may have seemed to be.

In the science of the law he was deeply versed. He had read with attention and retained with accuracy all the legal learning to be found in English and French authors: and he had gone further and caught the manners, the customs of his own country, and blended them with the common law authorities. He knew more of what might be de-

nominated New England law, than any other man. In early life he analyzed the principles of special pleading, and made himself master of all its rules; and he often remarked that a dull man could learn its technicalities, but it was a proof of a logical mind to be well acquainted with the true spirit of this concise, forcible, and accurate mode of reasoning. His contemporaries speak of him as the profoundest mathematician of his age. This remark can only be true, when confined to men not professedly engaged in the pursuit of this science. He was remarkably fond of that study, and pursued it for the delight and satisfaction it afforded. That process which carries the mind beyond the common things of life, gives a serenity and elevation to the soul, inconceivable to those who are engaged only with its ordinary business. Whoever discovers a new track, or extends a beaten one, is happy, whether it be in the moral or natural world. There was as much to delight the imagination in the pursuits of Newton and Laplace, as in the studies of Dryden and Milton. In fact, more unalloyed pleasure can be found in contemplations on nature and her laws, than on morals and men. In nature, every thing is perfect, though frequently mysterious, but in the moral world there are many evils to deplore. One of the first mathematicians

of this country, who had long been intimate with PARSONS, has said, that his friends were deceived in the extent of his pursuits, but that his genius for this science was of the highest order. He was always fond of classical studies, and had a most extensive acquaintance with literature in general. He read history with great attention, as important in connexion with his profession. At the age of forty-five, he renewed his attention to the languages, particularly the Greek, as it is said, for the purpose of interesting his eldest son in this study while preparing to enter college; and he continued his partiality for this most beautiful and philosophical of all languages through life. He commenced a correspondence on Greek literature with a learned Professor in Europe, and quite charmed him by his profound remarks on that language. Indeed, Greek was almost vernacular to him, for at seven or eight years of age he could read the Greek Testament with ease. He studied it, however, before he did the Latin, for his father, who was an excellent Greek scholar, thought it should be acquired first. I have often heard several learned teachers of youth say, that PARSONS knew more of the philosophy of grammar, than they believed any one could have acquired, unless he had made it a favourite study for years.

When Tooke's Diversions of Purley first appeared, he read the book with the same delight as he would have perused a spirited novel. To one so well grounded in the nature and principles of general grammar, no particular language could be of difficult attainment. He made himself acquainted with the Hebrew to search the scriptures, and French was indispensable, as the means of reaching the immense stores of modern learning in every branch of knowledge.

When he came to the bar, it was a period of glorious uncertainty in matters of law. Principles of practice were but loosely settled by the court, and in fact they had but few books of Reports to assist them, or rules to guide them, but such as existed in their scanty minutes, and their memories; and in such a state of things uniformity and accuracy could not always be expected. In every case of importance, all was thought to depend on the learning, sagacity, cunning, and eloquence of counsel. It would have been in vain for any one man to have attempted a reformation, for most practitioners at that period, would have united against a change, from the mistaken idea, that business depended on giving an air of mystery to the proceedings of the profession; forgetting, that no science, however difficult to attain, has any

mystery in its farthest researches, or in its remotest principles. It can hardly be believed at this day, but it is a fact, that many old lawyers who were in full practice when Blackstone's Commentaries first appeared in this country, were frequently heard to regret and complain that he should have so simplified and arranged his subject, and so clearly explained the principles of law, that the same amount of knowledge which had cost them years to collect, might be obtained in a short time. They were as much alarmed for fear of making law cheap, as the alchymists were of making the secrets of nature common, when the philosophers of England and France scattered the mysteries of the alembic, by giving to the world the result of their experiments. He possessed rare qualities for his profession, had he lived at any period of its progress, but the time at which he commenced business afforded the widest and fairest field for the exercise of his powers. Great latitude was then allowed in forensic discussions, and he was armed at all points for the contest. To learning, deep and extensive, he added a quickness of comprehension, that penetrated every thing at a glance; a boldness and hardihood that nothing could appal, and a flow of wit that turned whatever he pleased to ridicule. He sometimes exploded his oppo-

nent's arguments by raising the laugh, and sometimes attacked them by sarcasm which cut to the heart. Still there was nothing malevolent in his disposition; but it is hard to have a giant's strength, and not at moments to use it as tyrannically as a giant. Often he showed the rack, and extended his adversary on the wheel, when he did not intend to stretch a sinew, or break a joint.

He was a forcible and powerful speaker, not that his tones were mellifluous, or his gestures graceful, but his was the eloquence of reason. His arguments were terse and condensed, full and illustrative, pointed, cutting, and sarcastic; or conciliatory, amusing, and gentle, all as he chose, or as suited his subject or his audience. He was, in early life, frequently employed as counsel in capital cases, and was always selected by the prisoner when he could be obtained.

In 1784, he was counsel for several men charged with piracy, and exhibited such learning, skill, and ingenuity, as perplexed the Court on a question of law, and saved the men from the gallows. This case was much talked of at the time, but the precise points in it, I have not been able to ascertain. To give an account of all the excellent or ingenious arguments he delivered, would be nothing less than a history of numerous courts, for

nearly forty years previous to his death. I remember several speeches of his, but one more particularly than others, as the cause made considerable noise in the county of Essex.

At the November term, 1805, held at Salem, a gentleman of some distinction in the political world was tried, with several of his dependants, for a riot. The cause had been given to a jury once before, which did not agree on a verdict. It was feared, and not without cause, that justice might a second time be strangled in the rancour of party feelings. The attorney-general was unwell, the solicitor-general absent, and it was thought proper by the Court that the trial should proceed, and indeed the defendants were eager for it. After some consultation, the Court appointed PARSONS and JACKSON to act for the government. The cause was opened by JACKSON, now one of the supreme judges, but he did not make much effort in it, as he thought it was a plain case of riot, and that the defendants were proved to be in it, and without excuse. DEXTER was counsel for the defendants; his fees were large; the cause one which excited great interest; and above all, PARSONS was against him, out of the common course. DEXTER exerted himself in the examination of the witnesses, and in the argument; and in fact it was

a most powerful defence; his utmost subtlety, and his highest powers of eloquence and reasoning were burnished up for the occasion. It was a fine specimen of boldness, acuteness, and management. PARSONS closed on the part of government, in one of his happiest displays of impressive speaking, and legal disquisition; his zeal, and his pride were in the cause, and his speech was felt like electricity. Every thing seemed to yield to the resistless torrent of his reasoning; but the obstinacy of party spirit, which is rarely conquered by wit, eloquence, or demonstration, caused insuperable difficulties with the jury, and they returned into Court without agreeing. The friends of the gentleman charged with the misdemeanor, had the magnanimity to say, that the argument of PARSONS was never surpassed.

When he came to the bench, there had been much done, but still there was much left to do, and he set about making a thorough reform. The docket was crowded with cases, for the business then was great and increasing, and the methods of despatching it rather slow. The arrangement of holding Nisi Prius terms had but just got into operation, and all the beneficial effects of such an alteration were not yet known. He shrunk from no labour, however severe, to finish the business

of the term; and roused parties and counsel to extraordinary exertions of vigilance and punctuality. At all times he went on with such rapidity, that he excited the murmurs of counsel and clients; but on the whole, the good effects of this new course were seen and acknowledged by most people who had any thing to do with courts of justice. The Court, although they were high-minded and learned men, and were nobly struggling for reform, had not been entirely purged of the old leaven of respect for persons. Names had still great weight with them; and a client was obliged to consider as much how his counsel stood with the Court, as he did the justice of the cause; but at the approach of PARSONS, the influence of names, and of seniority, sunk and died away; and every lawyer who discovered learning, attention to his cause, and industry, ingenuity, and fairness in advocating it, was certain of an impartial trial. He knew nothing of the witchcraft of names. The jury had the cause from him, and he directed the course of reasoning they should pursue, not like one of those little minds which shows not the power of the argument, but the influence of the man who made it. He took a pride in bringing forward merit found in any honest form, and was indulgent even to imbecility and ignorance, if he thought they pro-

ceeded from incapacity, and not from idleness. The sins of indolence and negligence, were with him forever unpardonable, and he exposed the listless and careless, but always threw his mighty shield before the feeble and oppressed, to protect and save them.

While he was chief justice, which was from May, 1806, to October, 1813, there were probably more causes tried in the supreme judicial court, than there had been for the same number of years at any period of our history. In addition to the business of the Court in the trials of fact, the law terms must have absorbed a great portion of the time of the judges. The reports of cases heard and argued at these terms during the time he was chief justice, fill more than eight volumes, of five hundred pages each. On the share he had in settling and declaring the law of the land, he seemed willing to rest his fame, for he has left but little else in print. These legal opinions are an imperishable memorial; a monument more durable than brass, erected on a basis that no changes in the civil world, or convulsions in the political, can ever deface or destroy. The stains of blood on the warrior's sword soon turn to rust, and his laurels, if they do not wither, are in a short time shaded and hidden by many rising plumes; but the intellectual influ-

ence of a great mind spreads over the moral or legal page, when it becomes sufficiently distinguished to be a standard in morals, or considered as authority in the courts. The moral and legal labours of Montesquieu, Paley, Burke, Mansfield, Parsons, and others are perennial sources of wisdom and knowledge—fountains which constantly refresh us with sweet and living waters.

He was a politician of extensive and bold views; careful in fixing principles, but when they were established, fearless of their consequences. He was also a consistent statesman. It is true that he turned with disgust and abhorrence from the mawkish and wicked forms in which liberty was exhibited, when the most accursed ambition was concealed by apparent humility, and the dagger of Cataline was hid under the robes of a tatterdemalion. When his political opponents were full of clamour, and violence, at what they thought his aristocratical sentiments, if they had been asked to point out a principle that he ever strove to establish that was not built on pure republican notions, where could they have found it? Do his early labours shew any thing that is not such as all men in this country would be proud to own? Did he ever in the latter part of his life oppose that which in the former part of it, he had assisted to estab-

lish? No: his principles were the same, though his estimate of particular men and measures might have changed.

Soon after his acceptance of the office of judge, he came to his native county of Essex, to hold a Court, and there, in his charge to the grand jurors, he took occasion to develope the nature of our republican institutions, which had grown with our growth, and strengthened with our strength; and declared if he knew his own heart, that he had ever loved and cherished them as invaluable. If he had ever possessed the disposition to pull down these recent establishments, could he not in his native state have done incalculable mischief, and like the strong man, have torn up and carried off what portion of the citadel he chose. In the darkest hours of our political history he never despaired, for he believed that there was a redeeming spirit in the people, and that all things would come right. He slept in quiet, when many of his political friends were filled with dreams of horror, and their imaginations created evils more numerous and dreadful than mortal tongue could disclose. It would be extraordinary, if the opinions of a distinguished public man, through more than forty years of active life, could all be defended as sound and judicious; but the writer hazards nothing in say-

ing, that no opinion PARSONS ever held forth to the community, will be found to be corrupt; and he believes that but few that he gave will ever be shaken. His sympathies were strong, but his feelings were under perfect control. He had none of that coldness and indifference which possess the hearts of many whom the world call great men, whose intellectual light is like the sun-shine upon the Glaciers, brilliant and beautiful to distant vision, but which has neither warmth nor life in it, and which freezes the blood when approached. I have often heard the most humble of the people in his neighbourhood speak of his kindness to them when in difficulties. If they and their cause were honest, he never delayed giving assistance until he could calculate the chances of remuneration for his services. To people in the common walks of life who made no appeals to his charity, his charges for services were, at least, as reasonable as those of ordinary men in his profession. He was also through life the champion of the clergy, and when any one of them had the misfortune to be a party to a suit in Court, whether he was rigid or liberal in his sentiments, PARSONS was ready to be his advocate, and although he assisted many, never was known to take a fee for advice or argument from a minister of the gospel.

The *nil admirari*, which is so often considered as the motto of great men, he never affected to wear as his; but was always ready to admire and praise such works of learning, taste, and genius, as his good sense pronounced worthy of public notice and esteem, regardless of the doubts of those who acted as critics, or without waiting to catch the popular opinion of their merits. The poets and novelists of the present day, Byron, Scott, and others, whose reputations were for a long time doubtful—the young praising them without measure or reason, and many of the graver sort abusing them with even more disregard to truth, were read by him, and criticised with a prophetic correctness. He saw the excellencies and defects of those masters, almost as soon as they appeared, while they were yet in the dawn and youth of their fame. Although the gold was surrounded by base metals, he knew its fineness from the specimens he had examined, and could judge of the richness of the mine from whence it came. If he was ever severe in his criticisms, it was on the productions of wicked wits, and false philosophers, whose aim and interest were to mislead and destroy. He hated the whole tribe of those declaimers who broke down the old distinctions between virtue and vice, and endeavoured to lead young and tender

minds from the paths of labour and virtue, to idleness and profligacy. In recommending books to guide the young to habits of industry and virtue, he generally selected those of a sound and robust philosophy, and those least connected with the cant of infidelity. He never doubted the progress of knowledge, or questioned the march of the human mind towards a higher, and purer moral and political elevation; but he never was allured by the dreams of Condorcet, or ever substituted reason for Deity, or chance for Divine Providence. A firm believer in the Christian religion, he lived long enough to see the race of sciolists and blasphemers despoiled of their false glory, outcast, trodden under foot, and swept away—long enough to hail the commencement, and mark the extension of a higher system of ethics, and a holier religion than had ever been cherished; a system equally free from the narrowness, bigotry, and corruption of early opinions, and the latitudinarian principles, and unhallowed spirit of the philosophy just gone by. As he approached the confines of old age, his fondness for mathematics and divinity increased. The pure sciences are rays of light emanating from divine intelligence, which the human mind can see only in refractions and reflections after they have fallen upon the earth; but

still, man is elevated and purified by the illumination around him. Frequent contemplations on these subjects places him as it were in the presence of his Maker, secures his faith in the promises of revelation, and takes away all the darkness from the grave. How delightful is such a preparation for eternity, compared with that we too often witness—gray-headed avarice holding with fiercer grasp a farthing filched from penury—aged vanity panting and struggling, and lavishing his stores, to gain another shout, and one more hosanna from the mob, before all is silent forever: or decrepid ambition blowing his ineffectual fires to raise himself one more earthly step before he totters, falls, and everlastingly perishes. His pursuits, whatever they were, never made him dull or tame; there was at all times a readiness and freshness about his intellectual faculties that was peculiar to himself. Towards the close of a long, uninteresting and dull speech of counsel, when almost every other person was regardless of what was said, he was still attentive, and would recollect the whole course of the argument, as if he had been listening to the most delightful lecture.

An inordinate love of wit is often a concomitant of genius. The Greek writers abound in antithesis; Cicero frequently made an attempt at wit, and

Shakspeare, in his loftiest flights of imagination, left the celestial elevation, to "chase a quibble, or run down a pun." PARSONS was loved and dreaded as a wit. It sparkled in his conversation, entered into his arguments at the bar, and his remarks upon the bench, but was entirely excluded in his solemn discussions. No one could conjecture from his written opinions in the Reports, that he ever indulged this propensity for amusement. But few men ever succeeded so well in repartee, in pointed remarks, or in playful allusion. His fine sayings as a wit, if collected, would make a volume, which might be compared with the Footeiana; but this collection will never be made; our Johnsons have no Boswells.

PARSONS was a man of large size, five feet and eleven inches high, broad, and corpulent; his appearance heavy, yet dignified. The features and muscles of his face were large, bold, and striking; his forehead high, smooth, and benign; but the fine cast of it was in no small degree lost by a wig which he wore from early life, having become bald at thirty years of age. This appendage was not always made in the most fashionable style, and was frequently, after a fit of abstraction, "in most admired disorder." His eyes were blue, tinged with hazel-grey, and when thoughtful,

seemed sunken, or fixed; but when he was excited, or caught a new train of thought, they shone and twinkled with peculiar lustre. From sedentary habits, and severe attention to his books, his constitution, naturally strong, was shaken, and his nerves diseased. He felt himself subject to all the "skiey influences," and dreaded an east wind, as bringing pestilence on its wings. When, in the course of his professional business, he could not avoid meeting this enemy, he guarded himself with a great quantity of clothes as a protection. These splenetic feelings, no doubt, arose from the intensity of his application in youth. Had he been bred a farmer, he would, in all probability, have been as fearless of the elements as any yeoman of our bleakest hills, for nature had given him height, bone, and muscle for strength and hardihood.

He married, on the 13th of January, 1780, a daughter of the honourable Benjamin Greenleaf, and had a numerous family of twelve children, three sons, and four daughters of whom are living; and no man ever enjoyed more with his family than he did. In his domestic circle, he was always the instructive friend, the kind husband, and the indulgent tender parent. Many great men are retired, severe, or distant in domestic life. Absorbed in their studies, they are unwilling to be

disturbed by the ordinary occurrences of life; and if not unamiable, are seldom communicative and pleasant; but it was not so with him, for he shared in the amusements, and directed the studies of his children with the fondness and solicitude of a man who had no great cares for others on his mind.

In every path of literature and science, the fallen flowers of hope and promise are scattered and lost. The canker-worms are concealed in the buds, and as they open to diffuse their fragrance, the work of destruction begins. Many, who safely passed the days of youth, "and were early wise for their country's weal," have died in the meridian of their days, while labouring for the good of mankind. Pitt, Jones, Hamilton, and others left the world in the summer of life, before a single chill of autumn had seared a leaf, or changed a hue of their honours. The world deplores their untimely loss, and weeps at their monuments, revolving the mysteries of Providence. But the distress we feel, when thinking of all they might have done, is nothing so severe as the pain we suffer in brooding over the ruins of a mighty mind. Newton, who "unfolded all nature's law," long survived his intellectual vigour. "Swift expired a driveller and a show;" and Trowbridge, who had once instructed PARSONS, could hardly in the latter part of his

life comprehend his own legal decisions, made in the strength of intellectual power. The subject of this sketch neither lived too long, nor died prematurely; but at the time when his mind was yet unimpaired—when his services had reached a goodly measure—when his fame had spread far and wide, and settled on a permanent basis, he closed his labours, and finished his record.

To his family, his death was too soon; to the bench and the bar it was too soon; but those who think only of their country's interest in its talent and genius—those who love to dwell upon what is full and entire, and that which is beyond accident, or change, will be satisfied that God has foreclosed the possibility of our seeing him "not what he was;" and will rejoice that the seal of eternity has been put upon his virtues, and that his glory is safe for his country's inheritance and pride.

SUMNER.

INCREASE SUMNER, late governor of the commonwealth of Massachusetts, was born at Roxbury, in the county of Norfolk, then in the county of Suffolk, on the 27th day of November, 1746. His ancestor came from England, and settled in Dorchester, near Boston; the descendants from him are numerous. The father of the subject of this sketch, by whose name he was called, was a farmer, who by frugality, industry, and success in subduing his paternal acres, and in making rough places smooth, acquired considerable property. Never was there a man better calculated for the sturdy labours of a yeoman; of colossal size, and equal strength of muscle, kept in tone by regularity and good habits, he felt no obstacles in his course, nor shrunk at what others called fatigue. Instances of wonderful feats of strength performed by him in his youthful days, are remembered in his native place and the vicinity unto this time. He died much lamented, in 1774, having had eight children, only three of whom

survived him, one son and two daughters. Elizabeth, the eldest, married Charles Cushing, Esq. of Boston, who was at the time of his marriage, sheriff of the county of Lincoln. Lucy married William Bowman, Esq. father of the late captain Bowman, who behaved with much gallantry at the battle of Bridgewater, in the last war.

The first rudiments of learning were taught SUMNER by the late Judge William Cushing, who was then preceptor of the public grammar school in Roxbury. Under such a master the pupil made such progress, as to induce the friends of the family to solicit the father to permit his son to pursue his studies at Harvard University. To gain this point was no easy task; the hardy yeoman considered that happiness and success in life were more certainly found in agricultural pursuits, than in any other course, but he yielded at length to the repeated entreaties of his son, and to those who indulged ardent hopes of the youth's future eminence, if he could obtain a classical education. All obstacles being surmounted, he entered college in 1763, and his reputation while there, justified the predictions of his friends, for he graduated with a distinguished part in the commencement exercises of 1767. On leaving college, he took charge of the school at which he had received his preparatory education

for admission to the University, and continued in this situation for two years. This employment, followed only for a few years, has in it many advantages. The loss of time to a young man is more than counterbalanced by acquiring accuracy in the classics he has read, but probably in some measure forgotten, and in acquiring habits of attention, regularity, and method in business. He acquires also in teaching youths, some acquaintance with human nature in its spring-tide, before passions, prejudices and pursuits have had their influence upon the heart and mind. This knowledge is valuable to every one, but more particularly so to one who has to gain his support, and form his reputation in the profession of the law. At the close of his labours as an instructor, he entered the office of SAMUEL QUINCY, an eminent barrister, the brother of JOSIAH QUINCY, the patriot, statesman, and orator, who early fell a victim to his arduous exertions in the cause of freedom. In 1770, SUMNER was admitted to the bar, and opened his office in Roxbury. The people found him intelligent, and worthy of confidence, and his business in the profession soon became important and lucrative. In the year 1776, a period of great difficulties, and fearful apprehensions, he was chosen a member of the General Court, and continued to represent his

native town the three following years, until in 1780, he was elected a senator for the county of Norfolk, which office he filled the two succeeding years, by the almost unanimous choice of his constituents. In the Convention of 1777, for agreeing on a form of government, he held a seat; but the part any one took in that body is now nearly forgotten, as no report of their proceedings was ever made; and the newspapers of that day mention the fact of a Convention, only as they did ordinary occurrences in the Legislature. He was also a member of the Convention which was called for the same purpose in 1779, the first plan offered not having been approved and adopted by the people. He was again sent by his fellow citizens to aid in the deliberations of the Massachusetts Convention of 1789, when the adoption of the Constitution of the United States was under discussion. The progress of civil liberty is a subject always dear to an enlightened community, and to every one who has known the blessings of freedom, and the value of laws. I shall therefore in this place give a short history of these Conventions, particularly as Judge SUMNER was a member of all three of them, and was a conspicuous actor in all the political events of that interesting period. This account must be necessarily brief, and merely

chronological. A full developement of the motives of the actors, the principles they avowed, the manner of their deliberation, and the powers and learning displayed by them, on these several occasions, would be far beyond the scope of my work, were my materials and information equal to the task.

The members of the General Assembly of Massachusetts, and the Executive Council, being invested with powers at their election, in pursuance of a resolve of that body, passed the preceding political year, and sent to the people, met in Convention, and on the 6th of March, 1777, published what is styled the doings of "the General Convention of the Commonwealth, or State of Massachusetts," declaring the same to be a free State. After a preamble, reciting all their grievances as colonies, and also reciting the Declaration of Independence, published July 4, 1776, the Convention go on to say that "the ancient government of this colony being thus totally dissolved, and the people driven into a state of nature, it becomes their indispensable duty, and what self preservation requires, to declare themselves independent of Great Britain, and to establish such a Constitution and form of civil government, as to them appears best calculated to promote their greatest possible happiness." This draft of a Constitution, discovered some

marks of talents and political information; but as a whole is rather crude. It was sent to the people for their approbation, but it was instantly attacked by some of the most enlightened statesmen in the Commonwealth, and was so thoroughly investigated by the people of Essex in their "Result" that it was rejected by most of those, who in their eagerness for having some Constitution, had been friendly to it at first. This attempt having failed, the Legislature passed a Resolve to call a Convention of Delegates, whose sole business should be to make a Constitution for the Commonwealth. This resolve was dated June 17, 1779. This delay in forming a Constitution, gave the people two years and more to turn their thoughts to this subject, and get all the information which could be found. The Convention met at Cambridge on the first day of September, 1779, but finding that several towns were not represented in that body, no precepts having been issued to them for a choice of delegates, the Convention adjourned on the 7th of the same month to meet again at the same place on the 28th day of October following. At this time the Convention came together, and continued in session until the 12th of November, and then adjourned to meet in Boston on the 5th of January, 1780; but on the 5th when they were to set in

Boston, the weather was so cold and stormy, and the snow so deep, that on the 27th of the same month, sixty members only were present, and not a single question beyond that of order or adjournment had been discussed. The next day, being tired of delay, the members present ordered that the business should proceed. This session was protracted until the 2d day of March, and then the Convention adjourned, to meet in June. Previous to this adjournment, the Convention resolved, "that the towns and plantations of this State have a right to choose other delegates, instead of the present members, to meet in the Convention on the first Wednesday of June next, if they see fit." The Convention met on the 7th of June, and continued in session until the 17th of the same month. The first draft of this Constitution, as offered for discussion, was said to be much better than it was when altered to suit the majority of the Convention. The first talents in the Commonwealth were assembled on this occasion, and the debates were free, spirited and dignified; but there is not a trace of them left, except a few recollections in the decayed memories of the remaining statesmen who formed that body. The subject of this sketch was also a member of the Convention in Massachusetts called for discussing the Constitution for the

General Government, which had been sent to the several States for their adoption. This was a great question, "fraught with the fate of Rome." Profound lawyers, able politicians, and eloquent orators were sent by the people to this body, to deliberate and decide. The prosperity, the dignity, and strength of the nation were involved in it. To unite, was considered by all to be necessary, but on what terms, it was as difficult as important to settle. The rights of all must be secured, the honour and prosperity of the nation consulted, the interests of every section of the country were to be regarded; jarring claims were to be adjusted, and discordant feelings to be reconciled. All agreed that the old confederation was insufficient, but many were fearful of trusting too much power in the hands of Congress and the Executive; they remembered the abuse of it in others, and dreaded the improper use of it even from those chosen by themselves. To remain separate and independent sovereignties, would be loosing half the advantages of independence. In this conflict of feeling; in this contrariety of opinion, every talent was in requisition.

These great assemblages of learned and wise men, three or four times in a century, are of use in many points of view. By them political errors

and abuses are corrected; and by them too we form a pretty good scale to measure the intellectual capacities of leading men. "The errors of the market," to use a phrase of lord Bacon's, if we would be just, require a most watchful attention. In times of composure and quiet, many men of sterling merit are kept in the back-ground, while others with half their powers are nursed and fondled into consequence. Matters of high importance to the community, involving first principles, discussed when there is no alarming exigency, offer a noble field for "the strife of mighty minds." It requires a powerful grasp of thought to discuss, and the learning of ages to illustrate, principles arising from moral and political relations, among a free and enlightened people. In such a rivalry, great men find their true elevation, and vanity and ignorance, if they be not incorrigible, are beaten into a just appreciation of their own worth. But if they do not find their level, the public are set right in their opinions concerning individual merit, and therefore much is gained.

In June, 1782, Sumner was chosen a member of Congress by the legislature of Massachusetts, in room of Timothy Danielson, who resigned his seat; but subsequent events prevented his ever taking his seat in that body. In August, 1782, he

was made associate judge of the supreme judicial court. This distinction was thought by all to be merited. He was young, but the public had confidence in his integrity and ability, and the Court considered him an acquisition. This appointment was made but a short time after the State Constitution had gone into operation, and while the wounds of our country were green, and the sounds of war had not been hushed on our shores, and every thing was in an unsettled state. After the turbulence of the conflict had subsided, the loss of blood and treasure were severely felt. The paper currencies, which had been floated along by hope and credulity, and buoyed up by a spirit of patriotism, had sunk in value, until they were become "worthless as the weeds which rot on Lethe's wharf." All confidence had fled, and the war-worn soldier reluctantly yielded to the course of law, which took from him his last penny, and left his family outcasts and beggars. Most men are short-sighted, and are more affected by a present evil, than by any expected good, which may be long in coming. Symptoms of disaffection, and acts of turbulence were witnessed in every part of the Commonwealth. The government were not prompt in avenging the insults offered to the majesty of the laws, but used palliatives, and

acted with indecision, until rebellion was open and direct.

It is true that all that opposition, which arrayed itself in arms, was put down in one campaign; yet there was a still, secret, but by no means contemptible power, constantly in action, which it was difficult to reach, and almost impossible to destroy, for it breathed itself in accents short of treason, and could not be silenced by fear, nor appeased by promises. One of the forms of this disaffection was shewn in violent attacks on the common law, and on its supporters and agents. Voices were raised in various quarters against this proud system of common sense and enlightened reason; and many, not contented with the right of softening its features, and adapting them to our manners, habits, and wishes by statutary provisions, were for abolishing this venerable structure at once. The judges at such a period must have had a hard and painful task to perform in discharging their duty. They, however, not only proceeded with discretion and humanity, but also with that fearlessness of consequences which discharges its duty, and leaves the event to heaven. To the firmness and independence of our judiciary, we are much indebted for the suppression of faction, and the confidence in one another, and in the government which

soon followed these civil commotions. It is one strong proof of the wisdom of those who brought about the Revolution, that they instantly constituted, as far as they could, an enlightened judiciary. Soon after the assumption of government in Massachusetts, which was administered according to the charter of William and Mary, upon the advice of the Continental Congress, an act was passed by the legislature, removing judicial and other officers. PETER OLIVER, FOSTER HUTCHINSON, EDMUND TROWBRIDGE, WILLIAM CUSHING, and WILLIAM BROWN were removed, and JOHN ADAMS, WILLIAM CUSHING, JEDIDIAH FOSTER, NATHANIEL PEASLEY SARGENT, and JAMES SULLIVAN were appointed judges of the supreme court. SARGENT did not then accept, and ADAMS never took his seat as chief justice, but resigned in 1777. His political duties made it necessary for him to be so much from home, that he found it impossible to serve the Commonwealth in this capacity. When FOSTER died, SUMNER was appointed to fill his place, and continued on the bench until 1797, when he was called by the suffrages of his fellow citizens to the chair of chief magistrate. He was also elected the two following years, but did not act in that capacity the last year, for he was languishing on a bed of sickness at the meet-

ing of the General Court, at the commencement of the political year, 1799; but being declared elected, and having accepted the trust, the legislature were anxious that he should be qualified before his decease, all hopes of his recovery being now given up; for they had some constitutional scruples about the right of the lieutenant governor to act as chief magistrate after the death of the governor, unless the oath of office had been previously administered. This ceremony took place in the bed chamber of the dying governor, who was willing to yield his last breath in the cause of his duty. He closed his life on the seventh day of June, 1799, in the fifty-third year of his age. No death, except WASHINGTON'S, was ever more deeply deplored in Massachusetts. His Honor, lieutenant governor GILL, as soon as his death was known to him, announced it to the legislature by the following message:—

"*Gentlemen of the Senate, and*
Gentlemen of the House of Representatives,

"It is with the deepest sorrow that I communicate the melancholy event of the death of his late Excellency, INCREASE SUMNER, Esq. which happened this day, about 11 o'clock. I am ready to attend to the executive business of the Commonwealth, agreeably to the provision of the Constitu-

tion; and shall also be ready to unite with you, in our respects to the remains of so worthy and valuable a chief magistrate."

A committee of the legislature was appointed to superintend the funeral obsequies of the deceased, which took place on the 12th of June, and were the most solemn and splendid ever witnessed in the Commonwealth. All classes of citizens mingled their sympathies on this mournful occasion; and badges of respect for the memory of the deceased were generally worn for forty days. On the 17th, the lieutenant governor made his speech to the legislature, and mentioned the afflicting dispensation of Providence, in terms of affection and respect.

The answers from the Senate, and House of Representatives, have much feeling and delicacy in them. The following is the answer of the House.

"We, the House of Representatives, sincerely sympathize with your Honor in the grief occasioned by the death of our late excellent chief magistrate. In adverting to this melancholy event, we cannot refrain from pausing, and dwelling for a moment on those qualities of the deceased, which so remarkably endeared him to his fellow citizens. In him were singularly united all those virtues

which conciliate affection, and command respect. To an uncommon mildness of temper, and a disposition to promote the happiness of all, were joined unshaken firmness, and an unyielding sense of duty. His knowledge and discernment enabled, and his regard for the public good prompted him to make the most judicious appointments. A correct and enlightened understanding, and a long and intimate acquaintance with the science of jurisprudence, qualified him to form just opinions of the expediency and constitutionality of such legislative acts as were submitted to his consideration. The whole tenor of his life evinced the sincerity of his piety, and his unaffected patriotism. Surely the death of such a magistrate, and at such a crisis, must be considered as a most serious public calamity; and if the ardent prayers of his fellow citizens could have prolonged his most valuable life, long, very long, would he have continued a blessing, and an ornament to his country. Nor will his death be lamented by the citizens of this State alone; the friends of the Federal Government throughout the Union will deeply regret the loss of a man, who in discharging the important duties of his high office, gave, on every proper occasion, his decided support to the measures of that government."

The reverend clergy, and the fourth of July orators for that year, seemed to vie with each other in their testimonies of respect for his character; and the poets of the day bewailed his death in numerous elegies. But the language of grief is seldom clear and discriminating; the eulogy and the dirge are generally found to be better proofs of affection, than accurate details of incidents, or correct descriptions of genius or virtues. The heart may retain its warmth, while the hand is tracing the lineaments of character, but the sorrows of the soul must be assuaged before the portrait can be finished to the life.

In every situation in which he was called to act, and they were numerous, he was a popular man, without the least trait of a demagogue in his composition. His was "that popularity which follows, and not that which is run after." In the analysis of his mind there is not to be found one extraordinary power, nor one mean quality. It was the harmony of the mental and moral relations, that gave strength, elevation, and loveliness to the whole of his character. In the cluster of his virtues there is no withered fruit; with him there was no reverse of the medal—all the traces on it were seen at once, full and fair. In weighing his merits there is no counterbalance of excellencies and de-

fects; no contrast of bright and dark spots, of sterile wastes and luxuriant fields, of burning passions and chilling apathies, but one smooth and green surface of extended plain, of gradual risings, or gentle descents. In him, thought, feeling, intention, and action were constantly in unison. Such a man is rarely found; but when the community are sure of possessing a character like this, however dull the world may seem, and however regardless apparently it may be to its true interests generally, it never, in the worst of times, hesitates to lavish confidence, respect, and homage on those who are the staple of its intellectual pleasures, and the crown of its political honors. His early elevation to the bench is an unanswerable proof that he was held in high estimation for his good sense and honesty as a lawyer. As a judge, he was clear-headed, firm, and accessible, and discovered dignity and urbanity in all the forms of business, for he knew that to give a true effect to judicial proceedings, and legal opinions, it was necessary that the ministers of justice should have the courtesies of wisdom, as well as her stability, discrimination, and integrity. There are many things in our institutions, of which we do not justly appreciate the value while we enjoy them, for we have never known, or have forgotten what they cost

those who went before us. The following extract from one of his charges to the grand jury, will shew how he felt and reasoned upon a subject of vital importance to the public.

"There is but one subject more, gentlemen, that I shall call your attention to, and that is a subject of the highest importance to us as a people. I mean the support of schools and school-masters according to law. Our venerable ancestors were early impressed with a sense of the importance of education to the rising generation. No sooner had they got footing in this inhospitable land, even while struggling with poverty and want on the one hand, and a savage foe on the other, than they laid a foundation for the proper education of their children, foreseeing that the prosperity of their then infant settlement depended upon it; and if a matter of such moment was neglected, their posterity would soon become as illiterate and uninformed as the natives they were contending with; and shall I presume that we, their posterity, will suffer an institution so wise—so important to society, to lie neglected? If such inhabitants did but consider the importance of education to the public, as well as to their children, they would exert themselves to carry the laws relating thereto into full execution; for how can a republican gov-

ernment be maintained but by the learning, virtue, public spirit, and knowledge of its citizens. If therefore you know of any towns in this county, which by law are obliged to support school-masters, and are so lost to themselves and the rising generation as to neglect it, you have it in charge from the Court to present them. These, with all other high crimes and misdemeanors done and committed within the body of this county, will employ your diligent attention and inquiry.

"What remains then, Gentlemen, to make us the happiest people on the globe, favoured as we are with the wisest and the freest constitutions of civil government; encircled as we are with the blessings of peace, health, and plenty; but that we carry into private life those principles of reverence for the Supreme Governor of the world; and that industry, public spirit, frugality, and benevolence, which will not fail to insure the continuance of those blessings. Let every one, then, in his station, cultivate those virtues, and we should soon find that crimes in society would become less in number and in magnitude; and that society was rapidly advancing to its highest state of perfection. Thus we shall have the satisfaction of reflecting that we have discharged our duty, by contributing all in our power to the general welfare, which is

best promoted by the practice of that righteousness, which always did, and which always will exalt and dignify the character of a nation. We have the happiness to live in a country where our rights are fully understood, and freely enjoyed; and America furnishes one, among the few instances where the blessings of civil liberty, and the rights of mankind have been the *primary objects* of their political institutions; in which the rich and the poor are equally protected; where the weak are defended against the usurpations of the violent; where the rights of conscience are freely enjoyed; and where merit and abilities can be the only claim to the favour of the public. May we not, then, pronounce that man destitute of the true principles of liberty, and unworthy the blessings of society, who does not at all times lend his aid to maintain and support a government, on the preservation and due administration of which depends his own political as well as private happiness. It is in vain to think of supporting a free government, unless it be by the virtue, public spirit, and affection of its members. Governments of other descriptions may be supported by the intrigues of officers and magistrates, and by the terror of arms, but that which owes its existence to the will of the people, must derive its support from the same

source; hence it becomes the duty as well as the interest of every citizen to aid the magistrate in the faithful discharge of his office, without which the laws, or in other words the will of the great body of the people, cannot be carried into effect, without which the government will be but a name; a useless burden on the people."

He was taken from the bench almost against his consent, to be made chief magistrate. The country at that time, notwithstanding all the depredations upon our commerce, was prosperous; but the people were full of apprehensions for the future. We were robbed of our property; but this was but a small part of the evil we suffered from the French Revolution; the moral and political poison concocted and shed abroad by this crush of ancient systems was then extending to the core of every valuable institution in Europe and America. Thrones were shaken, and altars profaned, and "the spasms of infuriated man" were reaching the magic circle of domestic happiness, which, with other blessings, had in a good measure grown out of the Christian religion. At such a period, it was more than ever necessary to have at the head of the Commonwealth a man, whose virtues in private life were unassailable, and whose general reputation placed him out of the reach of slander.

Such a man was found in INCREASE SUMNER—the most difficult of all men to oppose with success in such a population as that of Massachusetts. His political enemies could not say that he was light and versatile, for his whole character was of a sober and grave cast. He could not be objected to on account of age and infirmities, for he was then in the prime and vigour of life. The humble could not charge him with haughtiness and pride, for he was polite and accessible to all classes of his fellow citizens; and the proud could not hate him for his familiarity, for he never compromised or forgot his dignity in any place or circle. No man could say that he was ever hard-hearted and avaricious, for he had oppressed no one. The jealous could not charge him with ambition, for he made no effort for public honours or offices. The bigot could not say that he was wanting in solemnity and religion, for he was a professor of religion from his youth upwards. The liberal could not say that he was a bigot, for his creed, and what was better, his life was full of kindness and forgiveness; and those who love to find fault without a cause whenever they have an opportunity, might have exerted themselves in vain to have discovered any thing which could be considered an error in "blood or judgment."

In his office of chief magistrate, he displayed the same careful attention to duty as he had done in other situations. He was not a military man by title or study, until he was made commander in chief, but reasoning as a wise man, he always considered the militia in a republican government "as the cheap defence of nations"—as the only efficient protection to a country extending over such an immense territory. Impressed with this belief he was attentive to the military department which had not been cherished with any particular fondness by any of his predecessors in office. He took salutary advice on this subject, and used his exertions, which were successful, in increasing the number of arsenals in the Commonwealth, and in augmenting the munitions of war.

His administration commenced at a period when the elements of our political establishments were severely tested. There was no received standard of public opinion for measures any more than for men. The idolators of the old systems clamoured at the slightest innovation, and the innovators were pushing on with zeal to destroy the ancient landmarks. In this political effervescence he held an unwavering course. Believing that the general government was founded upon the best views of the dispositions of the people, and of the nature of

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their institutions, he heartily supported its policy, not thinking that a few mistakes gave him a right to complain of the course pursued. When others were fearful that the great political fabric which had been reared amid the acclamations of the world was about to crumble into dust, his faith in its permanency was unshaken. He saw in the confusion of conflicting opinions the progress of that intelligence and good sense which is the only rock of adamant on which a republic can safely be built. The republic of France had been erected in a feverish dream of liberty, on the sandy foundation of philosophical theories, without regard to the feelings, manners and habits of the people, and was at this moment sinking under the weight of military despotism. The fate of this republic seemed a warning voice to others, and fears were felt by good and wise men that we too were verging toward destruction. The coolness and firmness of the chief magistrate, and his confidence in the general government, did much to strengthen and support it. He was well acquainted with the illustrious individual who was at that time President of the United States, for he had been associated with him in politics, loved him as a friend, respected him as a statesman, and followed him in his track of glory with unequivocal confidence, and undisguised admiration.

Sumner always retained a love for the cultivation of the soil, and was a substantial practical farmer, who set an example of good husbandry to his neighbours. His lands were extensive, and he furnished employment to many labourers. This fondness for agriculture was not then, as it now is, generally cherished by the most distinguished characters of the Commonwealth. Commerce, and the professions absorbed the whole time of those engaged in these pursuits; but within a few years past, merchants, lawyers, physicians, and divines have cultivated a taste for farming, and made great exertions to excite a spirit of industry and enterprise among the yeomen of our country. With us, a few years ago, it was scarcely thought a matter worthy of the attention of a man of science and taste to attempt to make two blades of grass grow where only one grew before, or by new methods of feeding, to make a bullock grow from an ordinary to an uncommon size. This was left entirely to those whose every-day business it was to plough and to sow. Experience, as it was called, was among them the sole guide, and this term meant nothing more than a repetition of careless, unphilosophical methods of farming. Errors and prejudices held their course against all reasoning, until the scientific and opulent broke the thraldom

by successful experiments, repeated, promulgated and explained so often, that common sense, or rather common prejudice, could no longer resist the evidences in favour of a change. SUMNER had always an unwavering confidence in the future prosperity of this country, but he knew it must be ensured by those means which required time, patience and sagacity to use; and had he lived until this day, he would have seen his expectations of agricultural improvements in some measure realized, his belief in the solidity of our national government confirmed, and would have rejoiced in the general diffusion of knowledge among all ranks of people. The patriot's bosom is always warm with ardent hopes for the prosperity of his country; "unborn ages crowd upon his soul," not with the gloomy forebodings of degeneracy and corruption, but with delightful visions of the advancement of knowledge, of the increase of pure morality, and of the happiness of man. It is neither wise nor brave to indulge in reveries of despair; and that man is either feeble, selfish, or vain, who imagines that when he dies all virtue and national prosperity will die with him. That often repeated ejaculation of the dying statesman, "Oh my country," is either a proof of the weakness of the human mind in the hour of dissolution, or a libel

by their friends on the fame of the dead. It is a subject of as much rational pride to believe that we shall be the progenitors of a worthy race, who will honour their day and generation, as is the knowledge that we are lineally descended from a virtuous stock.

Sumner was married on the 30th of September, 1779, to a daughter of William Hyslop, Esq. of Brookline, formerly a distinguished merchant in Boston, and by her he had a son and two daughters, who are now living. Mrs. Sumner survived her husband ten years, and died in the year 1809, in Boston, whither she had removed from Roxbury in 1806.

His person was attractive and commanding—tall, stout, and muscular; his complexion and hair were light, and his eyes blue. His countenance was remarkable for composure and benignity, and was often lighted up with a smile of peculiar sweetness. Many a young practitioner at the bar has borne testimony to the pleasure and relief he felt, when he was addressing the court in fear and trembling, in catching the kind looks of Judge Sumner. They were looks of encouragement and protection, which never disappointed the youthful advocate. Such courtesies are remembered with gratitude and admiration, while the cold and severe

gaze, and the sharp reply of authority, which perhaps blasted the early efforts of a delicate mind, are recollected with resentment and contempt. This amenity of manners, which flowed from goodness of heart, was not occasional and rare with him, but constantly entered into every social relation, public or private. It conciliated the affections of the people when he was young, and secured them through his life. His fellow citizens delighted to honour him while living, and sincerely mourned him when dead. Intellect, virtue, and urbanity united, form a spell which seldom fails to control the turbulent and malicious, and to charm the peaceable and the wise.

WARREN.

JOSEPH WARREN was born in Roxbury, near Boston, in the year 1741. His father was a respectable farmer in that place, who had held several municipal offices, to the acceptance of his fellow citizens. JOSEPH, with several of his brothers, was instructed in the elementary branches of knowledge, at the public grammar school of the town, which was distinguished for its successive instructers of superior attainments. In 1755, he entered college, where he sustained the character of a youth of talents, fine manners, and of a generous, independent deportment, united to great personal courage and perseverance. An anecdote will illustrate his fearlessness and determination at that age, when character can hardly be said to be formed. Several students of WARREN's class shut themselves in a room to arrange some college affairs, in a way which they knew was contrary to his wishes, and barred the door so effectually that he could not without great violence force it, but he did not give over the attempt of getting among

them, for perceiving that the window of the room in which they were assembled was open, and near a spout which extended from the roof of the building to the ground, he went to the top of the house, slid down to the eaves, seized the spout, and when he had descended as far as the window, threw himself into the chamber among them. At that instant the spout, which was decayed and weak, gave way and fell to the ground. He looked at it without emotion, said that it had served his purpose, and began to take his part in the business. A spectator of this feat, and narrow escape, related this fact to me in the college yard, nearly half a century afterwards, and the impression it made on his mind was so strong, that he seemed to feel the same emotion, as though it happened but an hour before.

On leaving college in 1759, WARREN turned his attention to the study of medicine, under the direction of Doctor LLOYD, an eminent physician of that day, whose valuable life has been protracted almost to the present time. WARREN was distinguished very soon after he commenced practice, for when in 1764, the small pox spread in Boston, he was among the most successful in his method of treating that disease, which was then considered the most dreadful scourge of the human race, and

the violence of which had baffled the efforts of the learned faculty of medicine from the time of its first appearance. From this moment he stood high among his brethren, and was the favourite of the people, and what he gained in their good will, he never lost. His personal appearance, his address, his courtesy and his humanity, won the way to the hearts of all, and his knowledge and superiority of talents secured the conquest. A bright and lasting fame in his profession, with the attendant consequences, wealth and influence, were within his reach, and near at hand; but the calls of a distracted country were paramount to every consideration of his own interests, and he entered the vortex of politics, never to return to the peaceful course of professional labour.

The change in public opinion had been gradually preparing the minds of most men for a revolution. This was not openly avowed; amelioration of treatment for the present, and assurances of kindness in future, were all that the colonies asked from Great Britain—but these they did not receive. The mother country mistook the spirit of her children, and used threats when kindness would have been the best policy. When Britain declared her right to direct, govern, and tax us in any form, and at all times, the colonies reasoned, remon-

strated and entreated for a while; and when these means did not answer, they defied and resisted. The political writers of the province had been active and busy, but they were generally screened by fictitious names, or sent their productions anonymously into the world; but the time had arrived when speakers of nerve and boldness were wanted to raise their voices against oppression in every shape. WARREN possessed first rate qualities for an orator, and had early declared in the strongest terms his political sentiments, which were somewhat in advance of public opinion, for he held as tyranny all taxation, which could be imposed by the British parliament upon the colonies. In times of danger, the people are sagacious, and cling to those who best can serve them, and every eye was on him in every emergency, for he had not only the firmness and decision they wished for in a leader, but was prudent and wary in all his plans. His first object was to enlighten the people, and then he felt sure of engaging their feelings in the general cause. He knew when once they began, it would be impossible to tread back—independence only would satisfy the country. With an intention of directing public sentiment, without appearing to be too active, he met frequently with a considerable number of substan-

tial mechanics, and others in the middling classes of society, who were busy in politics. This crisis required such a man as they found him to be, one who could discern the signs of the times, and mould the ductile materials to his will, and at the same time seem only to follow in the path of others. His letter to BARNARD, which attracted the notice of government, had been written several years before, in 1768; but in some form or other he was constantly enlightening the people by his pen; but it is now difficult, and of no great importance, to trace him in the papers of that period. The public was not then always right in designating the authors of political essays. In the different situations in which he was called to act, he assumed as many characters as fable has ever given to the tutelar god of his profession, and like him, in every one of them he retained the wisdom to guide, and the power to charm. At one time he might be found restraining the impetuosity, and bridling the fury of those hot-headed politicians, who felt more than they reasoned, and dared to do more than became men. Such was his versatility, that he turned from these lectures of caution and prudence, to asserting and defending the most bold and undisguised principles of liberty, and defying in their very teeth the agents of the crown. Twice

he was elected to deliver the oration on the 5th of March, in commemoration of the *massacre*, and his orations are among the most distinguished produced by that splendid list of speakers who addressed their fellow citizens on this subject so interesting to them all. In these productions generally the immediate causes of this event were overlooked, and the remote ones alone were discussed. Here they were on safe ground, for tyranny in its incipient stages has no excuse from opposition; but in its march it generally finds some plausible arguments for its proceedings, drawn from the very resistance it naturally produces. These occasions gave the orators a fine field for remark, and a fair opportunity for effect. The great orators of antiquity in their speeches attempted only to rouse the people to retain what they possessed. Invective, entreaty, and pride had their effect in assisting these mighty masters to influence the people. They were ashamed to lose what their fathers left them, won by their blood, and so long preserved by their wisdom, their virtues and their courage. Our statesmen had a harder task to perform, for they were compelled to call on the people to gain what they had never enjoyed—an independent rank and standing among the nations of the world.

His next oration was delivered March 6th, 1775. It was at his own solicitation that he was appointed to this duty a second time. The fact is illustrative of his character, and worthy of remembrance. Some British officers of the army then in Boston had publicly declared that it should be at the price of the life of any man to speak of the event of March 5, 1770, on that anniversary. WARREN'S soul took fire at such a threat, so openly made, and he wished for the honour of braving it. This was readily granted, for at such a time a man would probably find but few rivals. Many who would spurn the thought of personal fear, might be apprehensive that they would be so far disconcerted as to forget their discourse. It is easier to fight bravely, than to think clearly or correctly in danger. Passion sometimes nerves the arm to fight, but disturbs the regular current of thought. The day came, and the weather was remarkably fine. The Old South Meeting-house was crowded at an early hour. The British officers occupied the aisles, the flight of steps to the pulpit, and several of them were within it. It was not precisely known whether this was accident or design. The orator with the assistance of his friends made his entrance at the pulpit window by a ladder. The officers seeing his coolness and in-

trepidity, made way for him to advance and address the audience. An awful stillness preceded his exordium. Each man felt the palpitations of his own heart, and saw the pale but determined face of his neighbour. The speaker began his oration in a firm tone of voice, and proceeded with great energy and pathos. WARREN and his friends were prepared to chastise contumely, prevent disgrace, and avenge an attempt at assassination.

The scene was sublime; a patriot in whom the flush of youth, and the grace and dignity of manhood were combined, stood armed in the sanctuary of God, to animate and encourage the sons of liberty, and to hurl defiance at their oppressors. The orator commenced with the early history of the country, described the tenure by which we held our liberties and property—the affection we had constantly shown the parent country, and boldly told them how, and by whom these blessings of life had been violated. There was in this appeal to Britain—in this description of suffering, agony and horror, a calm and high-souled defiance which must have chilled the blood of every sensible foe. Such another hour has seldom happened in the history of man, and is not surpassed in the records of nations. The thunders of Demosthenes rolled at a distance from Philip and

his host—and Tully poured the fiercest torrent of his invective when Catiline was at a distance and his dagger no longer to be feared, but WARREN'S speech was made to proud oppressors resting on their arms, whose errand it was to overawe, and whose business it was to fight.

If the deed of Brutus deserved to be commemorated by history, poetry, painting and sculpture, should not this instance of patriotism and bravery be held in lasting remembrance? If he

"That struck the foremost man of all this world,"

was hailed as the first of freemen, what honours are not due to him, who undismayed bearded the British lion, to show the world what his countrymen dared to do in the cause of liberty? If the statue of Brutus was placed among those of the gods, who were the preservers of Roman freedom, should not that of WARREN fill a lofty niche in the temple reared to perpetuate the remembrance of our birth as a nation?

If Independence was not at first openly avowed by our leading men at that time, the hope of attaining it was fondly cherished, and the exertions of the patriots pointed to this end. The wise knew that the storm, which the political Prosperos were raising, would pass away in blood. With

these impressions on his mind, WARREN for several years was preparing himself by study and observation to take a conspicuous rank in the military arrangements which he knew must ensue.

On the 18th of April, 1775, by his agents in Boston, he discovered the design of the British commander to seize or destroy our few stores at Concord. He instantly despatched several confidential messengers to Lexington. The late venerable patriot, PAUL REVERE, was one of them. This gentleman has given a very interesting account of the difficulties he encountered in the discharge of this duty. The alarm was given, and the militia, burning with resentment, were at daybreak, on the 19th, on the road to repel insult and aggression. The drama was opened about sunrise, within a few yards of the house of God, in Lexington. WARREN hastened to the field of action, in the full ardour of his soul, and shared the dangers of the day. While pressing on the enemy, a musket ball took off a lock of his hair close to his ear. The lock was rolled and pinned, after the fashion of that day, and considerable force must have been necessary to have cut it away. The people were delighted with his cool, collected bravery, and already considered him as a leader,

whose gallantry they were to admire, and in whose talents they were to confide. On the 14th of June, 1775, the Provincial Congress of Massachusetts made him a major-general of their forces, but previous to the date of his commission, he had been unceasing in his exertions to maintain order and enforce discipline among the troops, which had hastily assembled at Cambridge, after the battle of Lexington. He mingled in the ranks, and by every method and argument strove to inspire them with confidence, and succeeded in a most wonderful manner in imparting to them a portion of the flame which glowed in his own breast. At such a crisis genius receives its birth-right—the homage of inferior minds, who for self-preservation are willing to be directed. Previous to receiving the appointment of major-general, he had been requested to take the office of physician-general to the army, but he chose to be where wounds were to be made, rather than where they were to be healed. Yet he lent his aid and advice to the medical department of the army, and was of great service to them in their organization and arrangements.

He was at this time President of the Provincial Congress, having been elected the preceding year a member from the town of Boston. In this body

he discovered his extraordinary powers of mind, and his peculiar fitness for responsible offices at such a juncture. Cautious in proposing measures, he was assiduous in pursuing what he thought, after mature deliberation to be right, and never counted the probable cost of a measure, when he had decided that it was necessary to be taken. When this Congress, which was sitting at Watertown, adjourned for the day, he mounted his horse and hastened to the camp. Every day "he bought golden opinions of all sorts of men;" and when the troops were called to act on Breed's Hill, he had so often been among them, that his person was known to most of the soldiers.

Several respectable historians have fallen into some errors in describing the battle in which he fell, by giving the command of the troops on that day to WARREN, when he was only a volunteer in the fight. He did not arrive on the battle ground until the enemy had commenced their movements for the attack. As soon as he made his appearance on the field, the veteran commander of the day, colonel PRESCOTT, desired to act under his directions, but WARREN declined taking any other part than that of a volunteer, and added that he came to learn the art of war from an experienced soldier, whose orders he should be happy to obey. In the

battle he was armed with a musket, and stood in the ranks, now and then changing his place to encourage his fellow soldiers by words and example. He undoubtedly, from the state of hostilities, expected soon to act in his high military capacity, and it was indispensable, according to his views, that he should share the dangers of the field as a common soldier with his fellow citizens, that his reputation for bravery might be put beyond the possibility of suspicion. The wisdom of such a course would never have been doubted, if he had returned in safety from the fight. In such a struggle for independence, the ordinary rules of prudence and caution could not govern those who were building up their names for future usefulness by present exertion. Some maxims drawn from the republican writers of antiquity were worn as their mottos. Some precepts descriptive of the charms of liberty, were ever on their tongues, and some classical model of Greek, or Roman patriotism, was constantly in their minds. Instances of great men mixing in the ranks of common soldiers, were to be found in ancient times, when men fought for their altars and their homes. The cases were parallel, and the examples were imposing. When the battle was decided, and our people fled, WARREN was one of the last who left the breast-

work, and was slain within a few yards of it, as he was slowly retiring. He probably felt mortified at the event of the day, but had he known how dearly the victory was purchased, and how little honour was gained by those who won it, his heart might have been at rest. Like the band of Leonidas, the vanquished have received by the judgment of nations, from which there is no appeal, the imperishable laurels of victors. His death brought a sickness to the heart of the community, and the people mourned his fall, not with the convulsive agony of a betrothed virgin over the bleeding corse of her lover—but with the pride of the Spartan mother, who in the intensity of her grief, smiled to see that the wounds whence life had flown, were on the breast of her son—and was satisfied that he had died in defence of his country. The worth of the victim, and the horror of the sacrifice gave a higher value to our liberties, and produced a more fixed determination to preserve them.

The battle of Bunker Hill has often been described, and of late its minutest details given to the public, but never was the military, moral and political character of that great event more forcibly drawn, than in the following extract from the North American Review, for July, 1818.

"The incidents and the result of the battle itself were most important, and indeed most wonderful. As a mere battle, few surpass it in whatever engages and interests the attention. It was fought, on a conspicuous eminence, in the immediate neighbourhood of a populous city; and consequently in the view of thousands of spectators. The attacking army moved over a sheet of water to the assault. The operations and movements were of course all visible and all distinct. Those who looked on from the houses and heights of Boston had a fuller view of every important operation and event, than can ordinarily be had of any battle, or than can possibly be had of such as are fought on a more extended ground, or by detachments of troops acting in different places, and at different times, and in some measure independently of each other. When the British columns were advancing to the attack, the flames of Charlestown, (fired, as is generally supposed, by a shell,) began to ascend. The spectators, far out-numbering both armies, thronged and crowded on every height and every point which afforded a view of the scene, themselves constituted a very important part of it.

"The troops of the two armies seemed like so many combatants in an amphitheatre. The manner in which they should acquit themselves, was

to be judged of, not as in other cases of military engagements, by reports and future history, but by a vast and anxious assembly already on the spot, and waiting with unspeakable concern and emotion the progress of the day.

"In other battles the *recollection* of wives and children, has been used as an excitement to animate the warrior's breast and nerve his arm. Here was not a mere recollection, but an actual *presence* of them, and other dear connexions, hanging on the skirts of the battle, anxious and agitated, feeling almost as if wounded themselves by every blow of the enemy, and putting forth, as it were, their own strength, and all the energy of their own throbbing bosoms, into every gallant effort of their warring friends.

"But there was a more comprehensive and vastly more important view of that day's contest, than has been mentioned.—a view, indeed, which ordinary eyes, bent intently on what was immediately before them, did not embrace, but which was perceived in its full extent and expansion by minds of a higher order. Those men who were at the head of the colonial councils, who had been engaged for years in the previous stages of the quarrel with England, and who had been accustomed to look forward to the future, were well

apprised of the magnitude of the events likely to hang on the business of that day. They saw in it not only a battle, but the beginning of a civil war, of unmeasured extent and uncertain issue. All America and all England were likely to be deeply concerned in the consequences. The individuals themselves, who knew full well what agency they had had, in bringing affairs to this crisis, had need of all their courage;—not that disregard of personal safety, in which the vulgar suppose true courage to consist, but that high and fixed moral sentiment, that steady and decided purpose, which enables men to pursue a distant end, with a full view of the difficulties and dangers before them, and with a conviction, that, before they arrive at the proposed end, should they ever reach it, they must pass through evil report as well as good report, and be liable to obloquy, as well as to defeat.

"Spirits, that fear nothing else, fear disgrace; and this danger is necessarily encountered by those who engage in civil war. Unsuccessful resistance is not only ruin to its authors, but is esteemed, and necessarily so, by the laws of all countries, treasonable. This is the case, at least till resistance becomes so general and formidable, as to assume the form of regular war. But who can tell, when

resistance commences, whether it will attain even to that degree of success? Some of those persons who signed the Declaration of Independence in 1776, described themselves as signing it, "as with halters about their necks." If there were grounds for this remark in 1776, when the cause had become so much more general, how much greater was the hazard, when the battle of Bunker Hill was fought?

"These considerations constituted, to enlarged and liberal minds, the moral sublimity of the occasion; while to the outward senses the movement of armies, the roar of artillery, the brilliancy of the reflection of a summer's sun, from the burnished armour of the British columns, and the flames of a burning town, made up a scene of extraordinary grandeur."

This eminence has become sacred ground. It contains in its bosom the ashes of the brave who died fighting to defend their altars and their homes. Strangers from all countries visit this spot, for it is associated in their memories with Marathon and Platææ, and all the mighty struggles of determined freemen. Our citizens love to wander over this field—the aged to awake recollections, and the youthful to excite heroic emotions. The battle-ground is now all plainly to be seen—the

spirit of modern improvement, which would stop the streams of Helicon to turn a mill, and cause to be felled the trees of Paradise to make a rafter, has yet spared this hallowed height.

If "the days of chivalry be gone forever," and the high and enthusiastic feelings of generosity and magnanimity be not so widely diffused as in more heroic ages, yet it cannot be denied but that there have been, and still are, individuals whose bosoms are warmed with a spirit as glowing and ethereal, as ever swelled the heart of "mailed knight," who in the ecstasies of love, religion and martial glory, joined the war-cry on the plains of Palestine, or proved his steel on the infidel foe. The history of every revolution is interspersed with brilliant episodes of individual prowess. The pages of our own history, when fully written out, will sparkle profusely with these gems of romantic valour.

The calmness and indifference of the veteran "in clouds of dust and seas of blood," can only be acquired by long acquaintance with the trade of death; but the heights of Charlestown will bear eternal testimony how suddenly in the cause of freedom the peaceful citizen can become the invincible warrior—stung by oppression, he springs forward from his tranquil pursuits, undaunted by

opposition, and undismayed by danger, to fight even to death for the defence of his rights. Parents, wives, children, and country, all the hallowed properties of existence, are to him the talisman that takes fear from his heart, and nerves his arm to victory.

In the requiem over those who have fallen in the cause of their country, which

"Time with his own eternal lips shall sing,"

the praises of WARREN shall be distinctly heard.

The blood of those patriots who have fallen in the defence of Republics has often "cried from the ground" against the ingratitude of the country for which it was shed. No monument was reared to their fame; no record of their virtues written; no fostering hand extended to their offspring—but they and their deeds were neglected and forgotten. Towards WARREN there was no ingratitude—our country is free from this stain. Congress were the guardians of his honour, and remembered that his children were unprotected orphans. Within a year after his death, Congress passed the following resolutions.

"That a monument be erected to the memory of General WARREN, in the town of Boston, with the following inscription:—

IN HONOR OF

JOSEPH WARREN,

MAJOR-GENERAL OF MASSACHUSETTS BAY.

HE DEVOTED HIS LIFE TO THE LIBERTIES OF HIS COUNTRY,

AND IN BRAVELY DEFENDING THEM, FELL AN EARLY VICTIM IN THE

BATTLE OF BUNKER HILL,

JUNE 17, 1775.

The Congress of the United States, as an acknowledgment of his services and distinguished merit, have erected this monument to his memory.

It was resolved likewise, "That the eldest son of General WARREN should be educated from that time at the expense of the United States." On the first of July, 1780, Congress recognizing these former resolutions, further resolved, "That it should be recommended to the Executive of Massachusetts Bay to make provision for the maintenance and education of his three younger children. And that Congress would defray the expense to the amount of the half pay of a major-general, to commence at the time of his death, and continue

till the youngest of the children should be of age." The part of the resolutions relating to the education of the children, was carried into effect accordingly. The monument is not yet erected, but it is not too late. The shade of WARREN will not repine at this neglect, while the ashes of WASHINGTON repose without grave-stone or epitaph.

GREEN, AND OTHERS.

TO laugh and to cry are prerogatives of our nature, and probably we should as often weep as smile if pride did not bid us hide our sorrows, and politeness and benevolence did not lead us to prefer the diffusing of pleasure, to requiring sympathy for pain.

He is certainly a greater benefactor of mankind who collects pleasant images and traces delightful associations, than the writer who ransacks history for facts, or tortures invention for a tale to lacerate the heart, or to shew us to what miseries we were born. He who adds to the stock of innocent amusement in the literary world, and leaves on record in prose or verse whatever will raise the laugh at vanity, folly and superstition, should be remembered with gratitude, and his monument placed by the side of his, who successfully taught the doctrines of fortitude, resignation and hope. I feel a higher sense of obligation to such writers as Cervantes, Le Sage and Smollet, than to the authors of ten thousand tales of horrors, over

whose labours I have hurried and wept until every thing around me seemed changed to gloom and waste—until the air had lost its fragrance, and the blessed sun "no longer sent a summer feeling to the heart." But thanks to the progress of common sense, these sickly witlings and strange monsters of false sentiment have had their day and are mostly gone. But if a few of these writers still remain, their spell upon the mind is broken, and we turn with loathing and horror from these banquets of skulls, at which we once revelled with vampire appetite. The class of writers who now attract our attention, make a lasting impression on our imagination, and control our judgment in matters of taste, are of a better sort. They advocate a higher philosophy, shew a deeper acquaintance with human nature, and course the fields of fancy and the regions of fiction with a bolder flight and stronger wing, than those who did so much mischief as they passed.

The fugitive pieces of the poetical humourists, and the patriotic and national songs, which are scattered through the land by every ephemeral publication in times of excitement, produce much more effect on the public mind, than perhaps is even attributed to them; they are read by all, and remembered by many. By deriding what we should op-

pose, and extolling what we ought to respect, these short productions, which are readily called to mind, serve as substitutes for a more enlarged sense of duty in those who have but little time to think. The soldier is as likely to be enamoured with an elevated sentiment as the philosopher, and the former can feel sooner than the latter can reason.

Among the authors of those national effusions of the last century to whom we owe much, was Joseph Green, a name which has long been familiar to every lover of mirth and playful satire. He was born in Boston, in 1706, and graduated at Harvard University in 1726. Not being inclined to enter any one of the learned professions, he commenced business as a merchant. Trade at that time flowed in regular channels, and of course there was not so much risk as in this present day of enterprise and vigourous competition. He pursued his calling steadily, but had considerable leisure to attend to his classical studies, of which he was a constant votary. His circle of friends was not large, but was happily assimilated in taste and pursuits. Their serious productions are forgotten, but some of their light and playful pieces have survived them. This club of wits watched every passing event, from the highest labour of the statesman, to the smallest occurrences of the

hour, and turned every thing to merriment that was susceptible of it.

The world at any time affords enough to praise or blame, enough to make us grave or gay, whichever way we look. The store-house is sufficiently filled to gratify every disposition. Notwithstanding GREEN's fondness for mirth, and his disposition to engage in pleasure, his demeanor had nothing in it that savoured of levity and thoughtlessness, either as a man or a citizen; and it does not follow that because men are mirthful, they are not serious. Wit, it is true, is sometimes found with profligacy, but she is also the companion of wisdom; and the purest and most severe will not deny that "he who gives no day to vice, may laugh an hour away." He was a retired, modest, unambitious, religious man, an enemy to parade and bustle, yet a bold opposer of arbitrary power, and a firm supporter of rational liberty. BELCHER felt the keen satire of GREEN and his associates. Not a speech or message came from the governor, that they did not ridicule in every form of prose and verse, nor did they spare the legislature when they thought that that body acted wrongly. In 1774, when the British parliament passed the act depriving the Commonwealth of Massachusetts of her chartered rights, and the counsellors were

appointed by mandamus, GREEN was called to assist the governor in that capacity, but he instantly declined the honour, and resigned his seat. Some said this was a stroke of policy in GAGE to conciliate GREEN, and surely it was not very comfortable to have him for an enemy. Others were of opinion that at that time GREEN was apprehensive that he had gone too far in exciting opposition to the mother country, and had in some incautious moment avowed it. He probably was fearful of the consequences of a revolution, which he then saw was inevitable, for it must be recollected, that he was then an old man, and his health, if not his faculties, was on the decline. The next year, 1775, he left Boston for England, where he resided as long as he lived in seclusion, but surrounded by every comfort that opulence could give. Hospitality and generosity never deserted him. He loved his country, but the agitations of a revolution, which began with such fury before his eyes, and at his door, was too much for the nerves of an old man of literary and retired habits.

The beginning of hostilities was awful and the end was doubtful, and he wished not to go down to the grave in blood. The people were grateful for his past services, and never vilified his name for the step he had taken, but it was forgiven as a

weakness of age. His works were as widely scattered as the leaves of the Sybil, so that but a few of them can readily be found at the present day. His "Elegy on the death of Mr. Old Tenor," is a fine mock lamentation. This has been several times printed, as also his "Satire upon the procession of Free Masons," which is in two parts, and was probably written on different occasions, and is a good specimen of his sarcastic powers. The Masons were among the first to join in the merriment it afforded, for the shafts of satire, which shoot folly dead, and gall avarice and ambition, fall harmless at the feet of charity. Her bosom "is armed too strong in honesty," to feel the taunts, or to shrink from the laugh of the world. A great many scraps of his poetry, epitaphs, acrostics, epigrams, and other occasional pieces, are now found in manuscript, and in the magazines of the day. The lines on CHECKLEY are more rare than many others from his pen. "JOHN CHECKLEY was one of the wits of his time, and a very benevolent, good man, (he died 1753.) When recovering from a long and dangerous sickness, a number of his friends, who like himself were men of humour, by accident met at his house. His countenance, naturally very ugly, by sickness was rendered hideous. It was proposed that he

should sit for his portrait to Smibert, an eminent artist in Boston, to which he gave his assent. Joseph Green was one of the company, and it was requested that he would sketch a few lines to be placed under it. Green sat down and wrote as follows :"

"John, had thy sickness snatch'd thee from our sight,
And sent thee to the realms of endless night,
Posterity would then have never known
Thine eye—thy beard—thy cowl and shaven crown.
But now redeemed, by Smibert's skilful hand,
Of immortality secure you stand.
When Nature into ruin shall be hurl'd,
And the last conflagration burn the world,
This piece shall then survive the general evil,
For flames we know cannot consume the Devil."

The wits of his club sometimes turned upon their leader with some point and effect. The epitaph on Green written by one of them in 1743, is a proof that like the characters in the "Retaliation," they understood one another—

"Siste Viator, here lies one,
Whose life was whim, whose soul was pun,
And if you go too near his hearse
He'll joke you, both in prose and verse."

Poets have been found in every age and nation. Long before the invention of letters, the muse had built the lofty epic to commemorate the deeds of heroes and demi-gods, and breathed the dirge in

soft and mournful strains, over the ashes of the beautiful and the brave. These, with unhappy loves and untoward fates, have floated down the stream of time, to rouse the soul to deeds of valour and to purify the affections, mingled with the comic and the gay to quicken the wits and cheer the spirits. The poetry of an unlettered, or a highly polished people has ever been considered a fair criterion of national character. In every stage of civilization, between the extremes of savage and enlightened society, it cannot be relied on as so accurate a standard, but in all degrees of refinement something may be gathered of the actions, thoughts, feelings and hopes of a people from their poetry. The early poetry of New England was of a peculiar cast. It might have been supposed from the romantic situation of our forefathers, and their incessant reading of the Bible, that their poetry would have shown something of a wild and splendid character ; but the hallowed coal, which burned on the lips of Isaiah, never touched theirs. They caught nothing of the spirit of the scripture bards and seemed equally to shun the enchanting beauties of oriental imagery and the sweet simplicity of primitive conceptions. Nor had their verses much of refinement and polish about them, but in gen-

eral were stiff and quaint. The awful severity of religious sentiment destroyed the natural inspiration of genius. The dread of being thought profane chilled every lively feeling and repressed the sallies of wit and mirth. Still poetry was cultivated as an art, and a knowledge of its rules was studied by every one who pursued a liberal profession. The clergy of that day were adepts in the "art divine," and could make verses on all occasions. When called upon in the course of professional duty to pronounce an eulogy on the virtues of a deceased brother or distinguished member of his flock, the pastor frequently poured out his grief in rhyme, generally fashioned on those immortal models, Sternhold and Hopkins. There were occasionally scintillations of a better taste; but they illumined the darkness only for a moment and fell on nothing that would serve to kindle a flame. At this time however, the general character of English poetry was not much better than our own; Chaucer, Spenser, Shakspeare and Milton are splendid exceptions; others of some note in their day occasionally appeared, but the common metrical productions had very little in them worthy of the name of poetry, until after the expulsion of the Stuarts. In that period of excitement in which men read and thought and began to under-

stand their rights; in that period preceding the dawn of the American revolution, when poetry was brought in aid of prose and eloquence to warm the heart and enlighten the mind, the shackles of the muse were broken and she wandered at large, and sported in every form of unrestrained freedom. This liberty was favourable to genius, but it was long before a good taste could be found gaining ground. Since our independence and the establishment of our civil institutions, we have been too busy to devote much time to poetry or the fine arts. But within a few years past numerous candidates for poetic fame have arisen, but as most of them are still living, and their labours of course unfinished, it would not comport with my plan in this work to discuss their merits. I leave them with the wish that they may gain for us that proud distinction in the republic of letters, that our military and naval prowess has secured to us in the annals of war, and proceed to give a hasty sketch of a few poets who have in different periods of our history given some proofs of their talents.

JOHN ELIOT, commonly called the apostle to the Indians, was one of our earliest poets, he flourished in the first period of the settlement of the country. With the assistance of RICHARD MATH-

ER, of Dorchester, he made a version of the Psalms, which was used in the churches for many years. They were suited to the times. Thousands have sung them with devotion. The sacred melodies of the present refined age of poetry will seldom be breathed with such zeal and devotion as these homely psalms were in those days of primitive simplicity. ELIOT and his coadjutor were men of talents, not deficient in imagination, but they had no models of taste or beauty. Their psalms have been so often printed in New England, that it is unnecessary to introduce a specimen of the work. The fame of this apostle to the Indians has come down to us more by his exertions to spread the gospel among them, and translating the scripture into their language, than by his poetical works.

COTTON MATHER, who in his generation was considered as a prodigy of learning, was also a poet. He graduated 1678, and died 1728. His invention was prolific. Illustrations, similies and all the stores of classical erudition were at his command, but he was scholastic, pedantic and affected, and an incorrigible lover of conceits and puns; but such was his reputation in church and state for knowledge, piety and patriotism, that his style was generally imitated for nearly half a

century. His elegy on his old school-master, EZEKIEL CHEEVER, is a very fair specimen of his poetry.

"A mighty tribe of well instructed youth
Tell what they owe to him, and tell with truth.
All the eight parts of speech he taught to them
They now employ to trumpet his esteem.
Magister pleas'd them well, because 'twas he;
They say that bonus did with it agree.
While they said Amo, they'd the hint improve
Him for to make the object of their love.
No concord so inviolate they knew,
As to pay honours to their master due.
With interjections they break off at last,
But, ah is all they use, wo, and alas!"

In the beginning of the last century, FRANCIS KNAPP, who resided in Watertown, near Boston, wrote several pieces of poetry and music, which were published in England. He was educated there, and if his muse is to be credited, he never forgot his wanderings on the banks of Isis and Cam, on account of any pleasures he found in the new world, nor ever was reconciled to the solitudes he inhabited, or became enamoured of the liberty of conscience in these "wilds remote from public view." Being acquainted with POPE, the New England poet addressed to him a congratulatory epistle on his Windsor Forest, when it first appeared.

"Hail, sacred bard! a muse unknown before
Salutes thee from the bleak Atlantic shore.
To our dark world thy shining page is shown,
And Windsor's gay retreat becomes our own.
The Eastern pomp had just bespoke our care,
And India pour'd her gaudy treasures here:
A various spoil adorn'd our naked land,
The pride of Persia glitter'd on our strand,
And China's earth was cast on common sand:
Toss'd up and down the glossy fragments lay,
And dress'd the rocky shelves, and pav'd the painted bay.
Thy treasures next arriv'd; and now we boast
A nobler cargo on our barren coast;
From thy luxuriant FOREST we receive
More lasting glories than the east can give.
  Where'er we dip in thy delightful page,
What pompous scenes our busy thoughts engage!
The pompous scenes in all their pride appear,
Fresh in the page, as in the grove they were.
Nor half so true the fair Lodona shows
The sylvan state that on her border grows,
While she the wond'ring shepherd entertains
With a new Windsor in her wat'ry plains;
Thy juster lays the lucid wave surpass,
The living scene is in the muse's glass,
Nor sweeter notes the echoing forests cheer,
When Philomela sits and warbles there,
Than when you sing the greens and op'ning glades,
And give us harmony as well as shades:
A Titian's hand might draw the grove, but you
Can paint the grove, and add the music too.
  With vast variety thy pages shine;
A new creation starts in every line.
How sudden trees rise to the reader's sight,
And make a doubtful scene of shade and light,
And give at once the day, at once the night!

And here again what sweet confusion reigns,
In dreary deserts mix'd with painted plains!
And see! the deserts cast a pleasing gloom,
And shrubby heaths rejoice in purple bloom:
Whilst fruitful crops rise by their barren side,
And bearded groves display their annual pride.
  Happy the man who strings his tuneful lyre,
Where woods, and brooks, and breathing fields inspire!
Thrice happy you! and worthy best to dwell
Amidst the rural joys you sing so well,
I in a cold, and in a barren clime,
Cold as my thought, and barren as my rhyme,
Here on the western beach attempt to chime.
O joyless flood! O rough tempestuous main;
Border'd with weeds, and solitudes obscene!
  Snatch me, ye gods! from these Atlantic shores,
And shelter me in Windsor's fragrant bow'rs;
Or to my much-lov'd Isis' walk convey,
And on her flow'ry banks forever lay.
Thence let me view the venerable scene,
The awful dome, the groves eternal green:
Where sacred Hough long found his fam'd retreat,
And brought the muses to the sylvan seat,
Reform'd the wits, unlock'd the classic store,
And made that music which was noise before.
There with illustrious bards I spent my days,
Nor free from censure, nor unknown to praise;
Enjoy'd the blessings that his reign bestow'd,
Nor envy'd Windsor in the soft abode.
The golden minutes smoothly danc'd away,
And tuneful bards beguil'd the tedious day;
They sung, nor sung in vain, with numbers fir'd
That Maro taught, or Addison inspir'd.
Ev'n I essay'd to touch the trembling string;
Who could hear them, and not attempt to sing?
  Rous'd from these dreams by thy commanding strain,
I rise, and wander through the field or plain;

Led by thy muse, from sport to sport I run,
Mark the stretch'd line, or hear the thund'ring gun.
Ah! how I melt with pity, when I spy,
On the cold earth, the flutt'ring pheasant lie;
His gaudy robes in dazzling lines appear,
And ev'ry feather shines and varies there.
Nor can I pass the gen'rous courser by;
But while the prancing steed allures my eye,
He starts, he's gone! and now I see him fly
O'er hills and dales, and now I lose the course.
Nor can the rapid sight pursue the flying horse.
Oh could thy Virgil from his orb look down,
He'd view a courser that might match his own!
Fir'd with the sport, and eager for the chace,
Lodona's murmurs stop me in the race,
Who can refuse Lodona's melting tale?
The soft complaint shall over time prevail;
The tale be told, when shades forsake her shore,
The nymph be sung, when she can flow no more.
Nor shall thy song, old Thames! forbear to shine,
At once the subject and the song divine.
Peace, sung by thee, shall please ev'n Britons more
Than all their shouts for victory before.
Oh! could Britannia imitate thy stream,
The world should tremble at her awful name:
From various springs divided waters glide,
In diff'rent colours roll a diff'rent tide,
Murmur along their crooked banks a while,
At once they murmur, and enrich the isle;
A while distinct through many channels run,
But meet at last, and sweetly flow in one;
There joy to lose their long-distinguish'd names,
And make one glorious, and immortal Thames.

MATHER BYLES, a clergyman of Boston, was of the same age of GREEN, and was distin-

guished as a poet and a wit. His love of a pun was uncontrolable; even the staidness and formality which at that day it was necessary for a preacher constantly to wear, could not restrain this propensity of punning in BYLES, and so inveterate was the habit with him that a witticism would often escape him when he did not intend it, and like the tutor of Martinus Scriblerus he frequently made a string of puns while he was deprecating the evils which followed the amusement. BYLES was a scholar, eloquent and accomplished, but he was vain and sensitive, and of course easily annoyed by such a satirist as GREEN, who knowing his weak side delighted in fretting him. BYLES wrote, when on a voyage to Penobscot, in the year 1732, a psalm, which he called "A Psalm to sing at sea," which is certainly an elegant composition, but GREEN seized the opportunity to write a burlesque on it, which was executed with his usual felicity. The best works are the easiest to travestie. BYLES was so much irritated that he wrote a parody upon GREEN's production, but forgot his dignity in his wounded pride, and seemed to draw but little inspiration from his rage. GREEN laughed—it was his "vocation"—and BYLES fumed, and the town was amused. It would be unfair to mention BYLES as a poet only, for he was pre-

eminent among the preachers of that day, and is now remembered by many as the first orator in the pulpit among many eloquent clergymen, who were his contemporaries.

THE Rev. JOHN ADAMS who died at Cambridge, 1740, in the 36th year of his age, was not only a distinguished scholar and divine, but considered a great poet. A volume of his pieces on occasional and general subjects, was for many years held in high estimation by the learned and pious. They are certainly above mediocrity. Many of them, though not in a very good taste, bear traces of no common powers of fancy and thought; the invocations to the Deity to guide his muse, and direct his poetical effusions, that he might not sink the priest in the poet, is well conceived. His elegy on the death of Doctor C. MATHER, is a rhapsody equal to any of that age. It abounds in bold and beautiful imagery, and is alone sufficient to give him a high rank among our early poets. His translations of Horace, and other pieces of that sort, show a considerable acquaintance with Latin poetry. He attempted a version of the Revelations, but in this he failed; rhyme is not a proper vehicle for the abrupt, obscure, and unfathomable out-pourings of prophecy. His poem

on Society is considered by many as his best production, and as exhibited in this work, his philosophy was sound, and his affections elevated and pure.

"The parent, warm with nature's tender fire,
Does in the child his second self admire;
The fondling mother views the springing charms
Of the young infant smiling in her arms;
And when imperfect accents show the dawn
Of rising reason, on the future man,
Sweetly she hears what fondly she returns,
And by this fuel her affection burns.
But when succeeding years have fix'd his growth,
And sense and judgment crown his ripen'd youth,
A social joy thence takes its happy rise,
And friendship adds its force to nature's ties."

THOMAS KILBY wrote a poem of a satirical character against the famous financial arrangement called the Land Bank. The names he mentions are now mostly forgotten; but notwithstanding much of its point is lost by this circumstance, yet the production is read with pleasure at the present day. KILBY was a man of distinction —an agent for the Province in England—Grand Master of Masons—a scholar and a wit. He died 1746.

JOHN OSBORN, a native of Sandwich, was a physician in Connecticut, and who died 1753,

about forty years of age, has left some poetry, which bears unquestionable evidence of talents. An elegant epistle written by him at college, 1735, and addressed to one sister on the death of another, is easy and plaintive. The concluding part of which I shall insert, is philosophical and impressive.

"But why should you and I forever mourn
Our dear relation's death? She's gone—
We've wept enough to prove
Our grief, and tender love;
Let joy succeed and smiles appear,
And let us wipe off every tear;
Not always the cold winter lasts,
With snows and storms and northern blasts:
The raging seas with fury tost,
Not always break and roar,
Sometimes their native anger's lost,
And smooth hush'd waves glide softly to the shore."

The whaling song written by OSBORN soon after he left college, is now frequently heard on the Pacific Ocean among our hardy and adventurous countrymen, as they chase with "poised harpoon" the monarch of the deep. The whole pursuit, attack and death of the whale is given in the song, the death only is here selected.

"A mighty whale we rush upon,
And in our irons throw;
She sinks her monstrous body down,
Among the waves below.

And when she rises out again,
We soon renew the fight,
Thrust our sharp lancets in amain,
And all her rage excite.

Enrag'd she makes a mighty bound,
Thick foams the whiten'd sea;
The waves in circles rise around,
And wid'ning roll away.

She thrashes with her tail around,
And blows her redd'ning breath;
She thunders out a deaf'ning sound,
While ocean groans beneath.

From num'rous wounds, with crimson flood
She stains the frothy seas,
And gasps and blows her latest blood,
While quiv'ring life decays."

DOCTOR BENJAMIN CHURCH, a conspicuous character previous to the revolution, wrote several songs and other pieces of poetry, that deserve the first rank in the productions of that patriotic period. His verses on the massacre, if not so splendid as some others written on that occasion, are better poetry than most of them upon that subject, and certainly flow with majesty and ease. His fame would have been brighter, and more lasting as a poet, if his patriotism had never been doubted. Incidental circumstances often tarnish a reputation for talents. The succeeding

age seldom takes the trouble to correct the errors of the preceding, in respect to the learning or talents of a man, if his reputation for patriotism is blasted. Authors are sometimes tolerated when their vices are not concealed, but the discovery of political hypocrisy is fatal to literary distinction. Nor is it confined to letters alone; the valour of ARNOLD, and the learning of CHURCH, have lost their meed of praise. If the writer should attempt to exhibit the fair side of them only, memory in return would be busy in furnishing the contrast.

DOCTOR JOSEPH ORNE, a native of Salem, who graduated 1765, at Harvard University, was a gentlemen of great literary eminence. He is represented, by those who knew him well, to have been a prodigy of learning and acuteness. He went to Cambridge a mere child, yet held the first rank in his class in every branch of knowledge. He turned from the classics and poetry, to mathematics, logic, and the severer studies, with the readiness of unquestionable talent. He died young, to the great regret of his friends, and the lovers of learning. For several years previous to his dissolution his health was feeble, yet his mind never lost any of its elasticity; but in the midst of disease and languor he amused himself by indulg-

ing his talent for Hudibrastic poetry. Political and transient occurrences furnished sufficient topics for one who had no ambition to be handed down to posterity as a poet, and no object in writing but what arose from the pleasure of the moment. Laughing at folly frequently beguiled him of his pains; but when he chose to be solemn, and to touch upon the calamities of life, and the hopes of futurity, his poetry was deep, solemn and pathetic, and reached the heart with the truth of nature, and the spell of genius.

Among our poets whom the muses were more fond to inspire than proud to avow, was JAMES ALLEN, who died but a few years since, in a good old age. He mingled in society for many years "the soul of frolic and fun." Wherever he went gravity was forced to relax to a smile, and melancholy was exorcised from the circle. He lived the undisturbed life of a bachelor, and never seemed anxious for any thing, but to secure his fame as a poet, and he would hardly copy a page for this. Humour in the private circle often descends to farce, and that degenerates to ribaldry. The courtesies of society are liberal to him "whose gibes and whose merriment keep the table in a roar." In the company of such a man the guests

expect to be amused, and they bring a good stock of indulgence, as well as a good appetite for enjoyment. With such a man at the social board discretion is thrown to the winds, and he who does not laugh must be mad. When Momus came among the gods, whether they were in council or at the banquet, the celestial laugh went round, and was enjoyed even by "Diau's self."

ALLEN was a patriot, and justly regarded public sentiment. Whatever he published is chaste and dignified. His poem on the massacre was highly esteemed at that time, and is now often quoted as excellent. I have room only for a few lines of it. Alluding to the spirit of the people which in a burst of indignation spoke terror to their invaders, he breathes this fine strain:

"No parle, avaunt, or by our fathers' shades
Your reeking lives shall glut our vengeful blades,
Ere morning's light be gone—or else we swear,
Each slaughter'd corse shall feed the birds of air!
Ere morning's light had streak'd the skies with red,
The chieftain yielded, and the soldier fled;
'Tis thus experience speaks—the test forbear,
Nor show these States your feeble front of war;
But still your navies lord it on the main,
Their keels are natives of our oaken plain,
E'en the proud mast that bears your flag on high,
Grew on our soil, and ripen'd in our sky."

READ.

JOHN READ was a man distinguished for genius, beloved by the votaries of literature, reverenced by the contemporary patriots of his country, the pride of the bar, the light of the law, and chief among the wise, the witty and the eloquent—One who lived long and did much, but yet of whom so little is matter of historical record, that a single page would contain all that is written of him. It is painful to think that a man so proudly pre-eminent among his peers, should now be so buried in obscurity. Tradition, it is true, is stored with anecdotes of him, but we look in vain for written memorials.

READ graduated at Harvard University in the year 1697, and was then among the first scholars of his day. He studied divinity, and was for some time a popular preacher, but not liking the religious dogmas of that day, or fearing that he should not be able to restrain his wit, or keep his gravity at some instance of solemn foolery, or perhaps feeling that he was destined for a more

extended sphere of action, he left that profession for the law. The last of his years are distinctly remembered by two veterans of the bar who are now living, for he did not die until February 7, 1749, and these living chronicles confirm the statement, that the numerous anecdotes of him which have come down to us, were current soon after his decease.

To prove that he was a profound lawyer, not trammelled by the mere letter of the law, nor confused by its prolixity, it is only necessary to look at his legal labours which are now extant. One act alone should give him immortality. He from his own high responsibility reduced the quaint, redundant and obscure phraseology of the English deeds of conveyance to their present short, clear, and simple forms, now in common use among us. Forms, seemingly prolix, have generally their use, and most lawyers are attached to them from habit, and from a belief that it is better to be tautological, than obscure from too much brevity. His influence and authority must have been great as a lawyer, to have brought these retrenched forms into general use. The declarations which he made and used in civil actions, have many of them come down to us as precedents, and are among the finest specimens of special pleading which can

be found. STORY has preserved some of his forms, and PARSONS used to say that many other lawyers had assumed his works as a special pleader as their own, and that the honours due him, had by carelessness or accident been given to others, who had only copied his forms. In speaking of READ's knowledge of the science of special pleading, Judge TROWBRIDGE related an anecdote to a gentleman of the bar now living. The facts shew sagacity and cunning, then the great requisites for distinction, and which at all times have their weight in making up a lawyer's character.

"A merchant of Salem or Boston, who had a ship and cargo seized by the king's custom-house officer for a breach of the acts of trade, applied to READ for advice; READ told him to replevy the ship and cargo, and a writ of replevin was made out in the form prescribed by the old Province law, commanding the sheriff to replevy the same and deliver them to the plaintiff upon his giving bond to answer the cost and damages at the next Court of Common Pleas, and respond the judgment finally given thereon, and summon the seizing officer to appear and shew cause why he had driven away and impounded the ship and cargo. And as the abating of writs seemed at that time to

be a great part of the practice, READ intentionally had given the defendant in replevin no addition or else a wrong one. On the day of the setting of the Court, the plaintiff in replevin came to him in great agitation and told him the counsel for the defendant had found a flaw in the writ and intended to have it abated; READ endeavoured to calm his client's apprehensions without letting him into the secret of his intentions, told him to enter the action. Upon the sitting of the Court the counsel for the defendant whispered to READ across the table, informing him of the mistake made in the writ, and that he intended to have it abated. READ having examined the writ, and finding it erroneous, desired the defendant's counsel to let him mend it, but he refused. Then READ told him if he would take advantage of his mistake he could not help it; but he must plead it, and thereupon a plea of abatement was made in writing—for some time such pleas were made *ore tenus*—that the writ might abate, and for costs—without requesting a return of the ship and cargo, and judgment was made up accordingly. Then READ told his client to let execution be taken out against him, and when the officer came to serve it to pay the sum and not before. At the next term suit was brought on the bond, and READ prayed oyer

of the bond and condition, and pleaded in bar that he had fully complied and performed its conditions, by entering and prosecuting the suit to final judgment, and by paying the execution, in proof of which he produced the sheriff's return on the same. The merchant having sent his ship to sea upon her restoration thereof to him by the writ of replevin, there was an end to the cause."

As a legislator he was conspicuous for several years, but so unambitious a man could not have been a regular leader, he was too independent and enlightened for a lover of prerogative, and too honest for a leader of faction. He spoke with frankness, regardless of political consequences. A great man who condescends to enter into the politics of the day and bear the heat and burthen of it, owes nothing to the public for his honours, but the public are much indebted to him for his exertions. After having been for some time in the House of Representatives he was elected to the Council when SHIRLEY was in the chair, and there pursued the same upright course. BELCHER, the predecessor of SHIRLEY, had pursuaded his council that upon the appointment of a new Governor it was necessary to renew all civil commissions; this same thing was proposed in council by SHIRLEY

and the precedent brought up, "but Mr. READ, a very eminent lawyer, and, which is more, a person of great integrity and firmness of mind, being then a member of the council, brought such arguments against the practice that a majority of the board refused to consent to it."—*Hutchinson, Vol.* 2.

His method of managing causes, his terse arguments, his cutting irony, his witticisms, and his good nature too, were well known to that generation of lawyers to which GRIDLEY, TROWBRIDGE, and PYNCHON belonged; and facts illustrating his powers and disposition were familiar to the next—to LOWELL, PARSONS, and those just gone. Every thing said of him went to shew his genius, his learning, sagacity, eccentricity, integrity and benevolence.

There is one well authenticated story of his eccentricity of character which I will venture to mention, as it is in consonance with the whole tenor of his life. The intercourse between the South and the North was nothing in a commercial or social point of view to what it now is. READ, one autumn, made up his mind to spend the winter at the South, and planned the journey after his own manner. Dressing himself in the plainest garb which could be considered decent,

he cut his staff, slung his pack and commenced his peregrinations. No knight-errant ever met with more adventures, for he sought them, and made them as he journeyed. The whole tour was full of whim, frolic and fun, and for many years the whole story was repeated at every Court in Massachusetts,—but of lawyers, after the drudgery of the day in Court, it can seldom be said as of the sage in the oriental eclogue—that, he often displayed his affluence of intellectual wealth, and at every exhibition his imagination grew warmer and purer, and some new gem was found sparkling among his treasures. These anecdotes had a different fate; they lost something by every repetition; some fact was forgotten, some incident left out, or the ornaments neglected. But meagre as the story has come to us it is not destitute of interest. As he went on his journey he excited astonishment wherever he came, and among all classes he met. With the breeder of horses he was a vaterinary surgeon—with farmers an experienced agriculturist—with mechanics a master of all trades; every one with whom he conversed thought he belonged to his own art, trade or calling.

In some part of his journey he entered a village in which a Court was sitting, and a cause

was soon to come on which made a great excitement among the populace. The plaintiff was poor, his title, though just, involved in much intricacy—the defendant was rich, with powerful friends and numerous and able counsel. READ collected the facts and having full confidence in the cause, offered his services to the plaintiff as counsel, and notwithstanding his appearance scandalized the profession, yet the plaintiff had sagacity to discover his merit from a short conversation with him. On the day of the trial the counsel and client entered the Court—his vulgar garb was soon forgotten in his first address to the Court, stating what induced him to engage in the cause before them—a love of justice, and to show that honesty should be fearless. In a few minutes he both astonished and captivated them. The cause went on, and he displayed such learning and ability, such knowledge even of the statute law of the State in which he then was, that every one on the bench and at the bar, spectators and all, were filled with admiration and respect for the man. The cause was won, and he instantly left the place for new adventures.

Like Galileo and Bacon, READ was too far in advance of the age in which he lived to have been sufficiently honoured in his generation, and it is

to be deplored that he had no honest chronicler to have traced him from the cradle to the grave, however homely the record might at this time appear. "They had no poet and they died," might justly be the lamentation over many names who deserved a monument, an epitaph, and a page in history.

PRATT.

BENJAMIN PRATT graduated in 1737, at Harvard University. He entered, it is said, in the junior class, and was distinguished for the extent of his acquirements, and the maturity of his judgment. He read law either with AUCHMUTY or GRIDLEY, or both, and commenced business in Boston. He was soon conspicuous among the lawyers of the day in learning and eloquence. From eminence at the bar, the course to political distinction was easy and certain. For several years he was one of the representatives of Boston in the legislature, and was a constant, fearless, and independent lover of freedom, and never hesitated to support what he thought to be just, wise and expedient, without crouching to prerogative, or bending to the people. This course in times of commotion is difficult to pursue. Power of every kind is jealous, and while it affects to admire, always hates an independent spirit.

PRATT was highly esteemed by governor POWNAL from the part he took in the legislature, as

well as for his general character; but in attempting to make suitable arrangements for the governor's departure from the Province he gave offence to the people, and the next year they left him out of the list of representatives. The office-seeker and the demagogue may think this fact against him —far from it. The affections of the people are transient and vacillating, and easily offended—or at least they were so in his time, for it was just as the political ferment began. Armed with the consciousness of his own integrity, this neglect did not disturb him. He sincerely loved New England, but it was not his destiny to reach his highest honours here, or die in the land of his nativity, for when POWNAL returned home he remembered PRATT, and he was by his recommendation appointed Chief Justice of the State of New York. The Suffolk bar with whom he had long associated, and by whom he was highly respected, sent him a valedictory address, which affectionately spoke of his worth, and regretted his departure. His answer was a classical composition, full of feeling and dignity.

Many of the people of Boston thought him morose, distant and haughty; but they did not fully understand him. To the few for whom he felt a high respect for their worth and intelligence, he

was communicative and courteous. His talents were never questioned by any. It is not improbable that his early misfortune, the loss of a limb, gave a sober cast to his character. In every man there is more or less of personal vanity, which occupies a portion of our youthful days; but "he who is curtailed of his fair proportions," and has no opportunity of exhibiting his beauty, grace, strength, and personal accomplishments by the military plume, the sprightly dance, or by fencing, riding, or such feats, becomes early concentrated, thoughtful and solemn, and grows mature, while others are in the green leaf of pleasure or dissipation. If such misfortunes befal a feeble-minded youth, his disposition generally turns peevish or morose, and he quarrels with all around him; but one made on a higher scale, cut off from the common amusements of life, by some painful accident, becomes strong in the inner man. He learns to lean upon himself—passes from the visible to the invisible world—from creation to providence—from the gay and light things of the present moment to the weighty ones of eternity. If his mind should not receive this religious impression at first, it often pursues a course nearly allied to it—a course literary and philosophical. The character of PRATT's eloquence and of his poetry, prove that

he had reasoned much upon the nature and fate of man, and upon the wisdom and design of God in making him what he is. The people finding a man in business hours like other men, can see no difference between him and others in any respect; it does not come within their ken. The good people expected of him the low bow—the honied accents of "sweet friends," but he did not turn to bow nor flatter, and they thought him crusty and proud.

PRATT must have been a man of great research and learning, for he had made such an extensive collection of rare documents, relating to the events of this country, that he contemplated writing a history of New England; but he died too soon to accomplish it. This was deeply regretted by all who knew how well qualified he was for such a task. The fact is mentioned by HUTCHINSON in his preface to his History of Massachusetts Bay. The public on this account alone lost much by his death, for his style was far superior to that of any man of his time, and his habit of thinking, analyzing, and arranging his subjects, would have been of admirable use in such a work. His models were classical, and his manner free from the staidness then prevalent among American historians.

I shall here insert the only poetical composition which is traced to him, although it was generally

understood, that when he was young, he published no small number of occasional pieces in the newspapers and magazines; but these must have all been anonymous. This short Canto on Death is not deficient in poetry—it has some obscurities, and some harsh lines, but it abounds in deep thought, and proves that he had taste and fancy—many of the figures are beautiful, and every part of it is strongly marked with a deep and sentimental philosophy, which passes from things seen to things unseen and eternal—from earth to heaven—from man to God.

FROM A MANUSCRIPT OF THE LATE HONOURABLE

BENJAMIN PRATT, Esq.

CHIEF JUSTICE OF THE PROVINCE OF NEW YORK.

THOUGH guilt and folly tremble o'er the grave,
No life can charm, nó death affright the brave.
The wise at nature's laws will ne'er repine,
Nor think to scan, or mend the grand design,
That takes unbounded nature for its care,
Bids all her millions claim an equal share.
Late in a microscopic worm confined;
Then in a prisoned fœtus, drowsed the mind;
Now of the ape-kind, both for sense and size:
Man eats, and drinks, and propagates, and dies.
Good gods! if thus to live our errand here,
Is parting with life's trifles worth our fear?
Or what grim furies have us in their power
More in the dying, than each living hour?

Ills from ourselves, but none from nature flow,
And Virtue's path cannot descend to woe;
What Nature gives, receive; her laws obey;
If you must die to-morrow, live to-day.

The prior states, thy mind has laboured through,
Are drown'd in Lethe, whose black waves pursue
To roll oblivion on each yesterday,
And will to-morrow sweep thyself away.

But where? Not more unknown is future fate,
Than thine own end and essence in this state.
We see our shapes, and feel ten thousand things;
We reason, act, and sport on fancy's wings;
While yet this agent, yet this spirit, lies
Hid from itself, and puzzles all the wise.
In vain we seek; inverted eyes are blind;
And nature form'd no mirror for the mind.
Like some close cell, where art excludes the day,
Save what through optics darts its pencil'd ray,
And paints its lively landscape to the sight,
While yet the space itself is blank in night.
Nor can you find, with all your boasted art,
The curious touch, that bids the salient heart
Send its warm purple round the veiny maze,
To fill each nerve with life, with bloom the face;
How o'er the heart the numbing palsies creep,
To chill the carcase to eternal sleep!
'Tis ours t' improve this life, not ours to know
From whence this meteor, when, or where 'twill go
As o'er a fen, when heaven's involved in night,
An ignis fatuus waves its new-born light!
Now up, now down the mimic taper plays,
As varying Auster puffs the trembling blaze,
Soon the light phantom spends its magic store,
Dies into darkness, and is seen no more.

Thus run our changes; but in this secure,
Heaven trusts no mortal's fortune in his power,
Nor hears the prayers impertinent we send
To alter Fate, or Providence to mend.
As well in judgment, as in mercy kind,
God hath for both the fittest state designed;
The wise on death, the fools on life depend,
Waiting with sweet reverse their toils to end.
Scheme after scheme the dupe successive tries,
And never gains, though hopes to gain the prize.
From the delusion still he ne'er will wake,
But dreams of bliss, and lives on the mistake.
Thus Tantalus, in spite, the Furies plied,
Tortured, and charmed to wish, and yet denied,
In every wish infatuate dreads lest Jove
Should move him from the torments of his love,
To see the tempting fruit, and streams no more,
And trust his Maker in some unknown shore.
Death buries all diseases in the grave,
And gives us freedom from each fool and knave,
To worlds unknown it kindly wafts us o'er;
Come, Death! my guide, I'm raptured to explore!

The good and learned Doctor ELIOT, in his New England Biographical Dictionary forgot his usual gentleness in describing PRATT, and represented him as haughty and forgetful of his early friends—but a writer in the Anthology for 1810, has with great justice and candour discussed this subject and defended PRATT'S reputation so ably that I cannot do better than to quote his own words.

"Benjamin Pratt, a celebrated lawyer in Boston, and afterwards chief justice of New York, &c." We are obliged to protest against the view given of Judge Pratt, as both defective and erroneous. This article does not bear the impress of justice and liberality which the other parts of the work exhibit; and we think the biographer in penning it could not have reflected on the tendency of his remarks. We have always been accustomed to take pride in the name of Mr. Pratt, as among the early literary and scientific men of our country; a man pre-eminently intellectual, and highly respected and beloved by the best judges of merit in his own time. Our biographer admits Mr. P's splendid abilities. As a lawyer he stood first among men of great legal research and eloquence. It would have been well to note how well the recommendation of him by Pownal to the office of chief justice of New York was supported by the claims of his talents and distinction at the bar. He reflected lustre on the station. It has been often told by numbers of highest authority, who lived in his time, and who delight to talk him over, that when he took his seat on the bench of the supreme court of New York, he was treated with great coldness and even disrespect, by the side judges and the bar; but that he had been in his chair but a few days in the first term, when a very intricate cause, which had been hung up for years, was brought before the court. Judge Pratt entered into it with quick and keen perception, caught its difficulties with wonderful success; and gave a statement of the case so luminous, profound and eloquent, that he became immediately the object of admiration to those, who were disposed, but not able, to withhold their applause. We have seen his answer to a respectful and affectionate address of the gentlemen of the bar in Boston, on his departure for New York. It is the language of feeling and honourable sentiment.

As a politician, he was in Pownal's time of the whig or popular party, but no friend of license.

"When Pownal left the province, Pratt lost entirely the regard of the people. The merchants and mechanics in the town were very indignant at his conduct in the general court in supporting a motion to send away the province ship. This ship, though owned by the government, was designed to protect the trade, and the merchants had subscribed liberally towards building her. Yet in the midst of the war, it was proposed by Pownal's friends, that this ship should leave the station, and the trade suffer merely for his personal honour and safety. The clamour was so great, that the governor found it necessary to take his passage in a private vessel. But the spirit of the people was not suddenly calmed. A larger town meeting than ever had assembled at Faneuil Hall, discovered their displeasure by leaving out Pratt and Tyng from the list of their representatives."

Audi alteram partem. We have heard additional statements, which give this business another complexion. As we have been told, the friends of Pownal alleged the compatibility of the compliment to his excellency and the interest of the province. According to their proposal, the ship was to leave the coast in time of war, it is true; but the period of her absence was to be from fall to spring, when she was commonly in harbour; and she would return to her station before the usual time of her being at sea in the opening of the year; meanwhile she was to have new sails and repairs in England, for which the governor was willing to be in advance to the province; and she was also to bring out the reimbursement money granted by Parliament. But the measure did not happen to take with the merchants or the people in general; and two persons, who wanted the places of Pratt and Tyng, finding the populace fermentable upon the subject, managed it so adroitly as to carry their point. Several days after the general court, which had voted the ship to the governor, had adjourned, four or five hundred heroes assembled in mob, and dismantled the frigate which was preparing for the voyage; and to vindicate their conduct, when they came to vote at the next election of representatives, of course passed over those gentlemen, whose proceeding had made it necessary for them to interfere and save the country. We do not mean to vouch for all these circumstances, because we have not fully exam-

ined for ourselves; but we apprehend they afford substantially the true solution. "The inhabitants of that town," says the biographer, "could never love a man, who had no complacency in his disposition, nor urbanity in his manners; a man who emerged from low life to a high station, and despised those, who formerly knew him, even those from whom he received favours." Why here is enough to tarnish the memory of any man. But really the Doctor has gone too far. If there was any thing in Mr. Pratt's disposition or demeanour that bore the semblance of such faults as are here intimated, we are persuaded it was but semblance, or at least they did not exist in such a degree as to be given for his character; or deserve to stand out upon the piece, as they do in this sketch.

There is evidence that Mr. Pratt's domestic character was amiable. A person resident in his family for many years has always represented him in this light, and private documents remain, which confirm the impression. By those of his profession who knew him, particularly two gentlemen of distinguished name now alive, he has been mentioned indeed as somewhat high and quick in his feelings; but not deficient in urbanity; and in conversation and manners attractive and pleasing. The harsh animadversions we have cited were no doubt made by individuals, and by the biographer imagined true. We can believe that chief justice P. might have shown more solicitude to have his elevation forgiven by those who remembered him as once on their own level; and to be thought sensible of their favours received in his day of small things. But we also believe and know, that no man, however circumspect, can ever run *his* career, and not be unreasonably charged with self-consequence and ingratitude. The pride of the low will always dictate suspicions of the pride of the eminent, and benefits conferred by the narrow-minded are a bargain for endless attentions and acknowledgments.

"What talents Judge Pratt possessed as a fine writer we cannot learn from any publication with his name. The verses found in his study, and published in the Royal American Magazine for April, 1774, discover a strong vigour of fancy. *If these were his own compositions he ought to have exercised a fine genius for poetry!*"

These expressions convey a doubt, which we presume no one entertains. Our author was led to them partly by the title in the Magazine; "Verses found among the manuscripts of the late Hon. Benjamin Pratt, Esq. chief justice of the province of New York, *supposed to be written by himself.*" The idea that no other poetical production ascribed to the same author has ever appeared, might seem to justify hesitation. We have been told of others, believed to be his, in print; one on *castle building*, another, lines on *leaving college*. As Mr. P's powers in poetry were celebrated in his life time as the strongest marks of his mind; as the evidence of his manuscripts has not been contradicted by any discovery or circumstance since the publication of these verses, they are clearly due to him."

PRATT's highest ambition was gratified in his matrimonial connexion, for he married a most accomplished woman, the daughter of Judge AUCHMUTY—one who saw her husband's fair proportions in his mind—and one who turned from the fashionable and elegant suitors around her, to whom by birth, fortune, and female charms she had a full claim, to lavish her affections on him, enamoured with his virtues and his intellect. They had two children, a son and a daughter; the latter married in Boston, and has left children and grand children, who are among our most respectable inhabitants. Chief Justice PRATT had always in view, while in New York, the period when it would be convenient for him to return to his native State, and enjoy the *otium cum dignitate*. The sons of New England are every where

to be found, from the equator to the poles—there is not a sea, a mountain, a vale or river, which has not been visited by New England enterprise; but wherever they are settled, or however prosperous they may be, they remember with delight the land of their nativity—the land of schools and churches —of plain manners and steady habits.

Judge PRATT died at New York, on the 5th of January, 1763, in the 54th year of his age, leaving his friends and contemporaries, GRIDLEY, OTIS and others, still living. Death is not charmed by eloquence, nor warded off by virtues; the monarch of worlds loves to point his dart near the throne of Omnipotence, and to send those who bear the brightest image of their Maker to mingle with kindred spirits.

LATHROP.

" LAMENT not ye, who humbly steal thro' life,
That Genius visits not your lowly shed ;
For ah, what woes and sorrows ever rife,
Distract his hapless head.
For him awaits no balmy sleep,
He wakes all night, and wakes to weep ;
Or, by his lonely lamp he sits,
At solemn midnight, when the peasant sleeps,
In fev'rish study, and in moody fits
His mournful vigils keeps.

" And oh ! for what consumes his watchful oil ?
For what does thus he waste life's fleeting breath ?
'Tis for neglect and pen'ry he doth toil,
'Tis for untimely death,
Lo ! where dejected, pale he lies,
Despair depicted in his eyes,
He feels the vital frame decrease,
He sees the grave, wide yawning for its prey,
Without a friend to sooth his soul to peace
And cheer the expiring ray.

H. K. White's Ode to Genius.

JOHN LATHROP was born in Boston, January, 1772. He was son to the Rev. JOHN LATHROP, D. D. pastor of a Congregational Church in the same place ; a gentleman highly respected

for his virtues and good sense. His son was graduated at Harvard University in the year 1789, and was distinguished for his scholarship and taste in a class in which were numbered KIRKLAND, the BLAKES, and other men of celebrity. On leaving college he entered the office of CHRISTOPHER GORE, late Governor of this Commonwealth, as a student at law, and pursued his studies with considerable assiduity. GORE was a man of industry, talents, and success in business, and of such weight and standing in the community, as to give a very considerable direction to the views and pursuits of his pupils. But even in this law office, LATHROP, at intervals of his studies, stole a few moments to sacrifice to the Muses, and became more known to the public as a poet than as a lawyer. He opened an office in Boston, had many friends and some business, but not sufficient to answer his expectations, and in 1797 he removed to Dedham, in the County of Norfolk, and opened his office in the neighbourhood of that far-famed statesman, FISHER AMES, in whose company he enjoyed much as a literary man. In the following year, 1798, he was appointed Clerk of the Courts for that County, but this station was not suited to his talents or habits, and he left it without much regret, and returned to Boston. In

Boston he had found congenial spirits. At this time he associated with the poets of the day, PAINE, PRENTISS and others. There were in Boston several editors of papers, men of open hearts, generous dispositions, and possessing considerable influence in society; around them the poets and men of taste and letters assembled, and were always sure of a cordial reception, and any act of friendship they might need to free them from temporary embarrassments. At their houses these poets found the "Cæna Deûm" at which they indulged their fancies and regaled their appetites.

PAINE was bold in his views, quick at retort, and sometimes fearfully sarcastic. His genius was certainly of an high order, and his imagination prolific. His talents always commanded admiration, his wit excited merriment and delight. He was followed and eulogized, honoured by attentions, and considered by all, the first poet of the place. LATHROP was modest, learned and poetical, but had much less of the ardour of genius, and the sparkling of wit than PAINE, but more chastity of style, and more method in his compositions and conversations. PRENTISS was easy, familiar, good natured and poetical, and amused himself at the parade of learning in PAINE, and laughed at the sentimental solemnity of LATHROP.

These wits and poets were not destined to live in peace for a great while; PAINE perceived how much purer was the taste of LATHROP than his own, and the latter felt no small disturbance at the unbounded fame of his rival. It was not a period of fair and just criticism and good taste. The extravagancies of genius were more highly valued than the sweetest inspirations of the most refined and classical Muse. These wits were not contented with brisk attacks and keen retorts at table, but pursued each other into the public papers; and in the general opinion, PAINE had the advantage; for boldness, strength, and even coarseness of sarcasm, are better comprehended by the generality of men than refined irony and polished satire; to them the tomahawk seems a more fearful weapon than the sword. These effusions were the bane of their repose, and an interruption to their pursuits. The public are pleased with such a contest; they love to see these rockets of wit and satire thrown for their sport; but the principals in the affair, are always sufferers in their professional business, for clients are sharp-eyed, and see when men attend more to amusements and other pursuits, than to their interests; and in their justly jealous dispositions no splendour of genius will ever make amends for deficiency of attention. In 1799, not

being satisfied with his success in the profession of the law, LATHROP determined on a bold push to better his fortunes, and embarked for India; there his fancy had pictured every thing in gold and precious stones. To him it was painful to leave his friends and his home, for a far distant country, but in so doing there was something romantic, which suited his disposition, and he persuaded himself that in a few years he should return with a rich harvest of wealth to gladden their hearts; but had gold rained there, as in the fabled shower, he would not have gathered more than he wanted for the present use. Gold to him was like the manna to the children of Israel, its supply could only be for the day: And would to Heaven that for such men it could fall at regular periods, to answer their demands, and no more; for want makes them unstable and wretched, and a profusion produces negligence, eccentricities, and folly.

In India he was destined to new disappointments. The government was arbitrary, and the places of profit were filled. The rulers were jealous of adventurers of other nations, and particularly at this period, when continental Europe was in a paroxysm of liberty, and every thing bold and free in literature and politics was dreaded by

the prudent and the wise. LATHROP established a school in Calcutta, but was of course narrowly watched by the government, and very much limited in his plans of instruction. They were willing that he should teach in elementary knowledge, but feared an extensive system of education, as full of evils to their political establishments. An anecdote will illustrate this assertion. In the ardour of his zeal for instructing the rising generation of Calcutta, he presented to the Governor General (the Marquis of WELLESLY) a plan of an Institution, at which the youths of India might receive an education, without going to England for that purpose. In an interview with his Lordship, LATHROP urged with great fervency and eloquence, the advantages that he believed would flow from a seminary well endowed, and properly patronized by the government, on such a plan as he recommended; but his Lordship opposed the plan, and in his decided and vehement manner, replied, "No, no Sir, India is and ever ought to be a Colony of Great Britain; the seeds of Independence must not be sown here. Establishing a seminary in New England at so early a period of time hastened your revolution half a century."— This remark had much shrewdness in it, for it is an unquestionable fact, that the diffusion of know-

ledge in New England, assisted in preparing the way for our separation from the mother country. Harvard University has done much, in spreading the spirit of free inquiry amongst us. At this Institution ecclesiastical and political rights were discussed as common topics of forensic disputation, and the reciprocal duties of rulers and people were in the mouths of every student at a very early age of our history. When discussion is free, decision and action will always follow settled opinion; but the manners, habits and feelings of the inhabitants of India will long differ from those of the people of the United States; and his Lordship's fears drew too sudden a parallel.

Narrow and confined as LATHROP'S plans were, a man of common prudence might have amassed wealth very rapidly, with half the labour he bestowed in this pursuit.

At the same time that he was instructing children at Calcutta, he wrote for the papers of the day, first in the *Hurcarrah,* and subsequently in the *Post,* both papers of extensive circulation in Calcutta; but these papers were so trammelled by governmental restrictions, that their tone and spirit were in a great measure lost. No freedom of remark, no boldness of discussion was ever allowed in their columns. Every paper, before it was

printed for the public, was inspected by an officer of the government even to an advertisement; this fact fully appears from documents I have in my possession which belonged to LATHROP.

Born and educated in a country, where freedom is ever approximating to licentiousness, and checked only by laws and not by men; where every matter, civil, religious or political, is canvassed without fear or even caution, it might be expected that he would be an ardent lover of liberty; but LATHROP shrunk from politics under the iron hand and Argus eyes of despotic power, although every feeling of his heart was loyal, and every opinion he entertained sound and legitimate. These restrictions gave a different cast to his thoughts, and he indulged in the playful and sentimental sort of writing, in which he certainly excelled; but the magic of the nightingale's note is lost when the songster is confined in the cage.

I have seen several pieces of his written for the *Post*, which were of no ordinary character. The visit to the burial ground in Calcutta is full of deep and solemn reflections. Over the ashes and at the monument of Sir WILLIAM JONES, his musings were truly sublime. JONES was a subject calculated to wake every exalted feeling, and worthy of the most transcendent praise, for he united

every quality and accomplishment which dignifies man and consecrates the memory of genius. But a mind like LATHROP'S, ever verdant with hopes and ever overflowing with sympathies, could not be at a loss for objects of admiration and love. Burning suns and despotic rule, which is death to patriotism, can never destroy the affections of the heart, for their nature is eternal.

LATHROP spent ten years in India, which had in them many pleasures, as well as many inconveniences. He passed a life of labour and fatigue; of luxury, splendour and ill health; but labour was compensated by gain, although pain followed enjoyment.

This was an eventful period of the world, and distance gave a deeper interest to every thing going on in his native country, and excited in him the strongest desire to return; and he did return, in the prime of life, with a constitution injured, but not broken; a literary man by profession and habits, with a judgment ripened by experience and reflection, with a patriotism increased by comparing his own with other countries, and a love of public justice enhanced by an acquaintance with political crimes.

It is worthy of remark, that his style at this time was more critically correct and less abound-

ing in figures and epithets than it was before he went to India, but whether this should be considered a merit, I leave others to judge. Most persons by long residence in the East catch something of the oriental manner of writing: dwelling in those regions where nature is ever in the extremes, and where beauty and deformity forever exist in contrast, the mind becomes romantic, and fancy and fact are constantly commingled. The children of the Sun are never tame or dull, they are sometimes effeminate and feeble, but full of imagination and fire; their action is passion, and their repose is reverie. Every page of their literature is strewed with flowers of the brightest hues, and, as it were, perfumed with their essence. This singularity of retaining his original simplicity must be referred to early discipline, or some pertinacity of temper, which he was not thought to have possessed, for the greatest men and most elegant scholars have become enamoured with the richness of oriental literature. "The all-accomplished" JONES seemed imbued with the aroma of every flower that he culled and transplanted to an English page. Some severe critics have said that his style was enfeebled by the fondness for ornament which he had acquired by his devotion to oriental learning; this may have been the fact, but

wherever he loitered, wherever he revelled, or wherever he worshipped, by the waters of Helicon, in the bowers of the Muses, or on the banks of Jordan, he was still, in every place, an Apollo interrogating nature, developing science, and discoursing wisdom; or a holy seer establishing the true faith, and proving the miracles of the gospel, which are at once the ornaments and evidences of divine revelation.

LATHROP was married once in this country and twice in India. His first wife he married in 1793 —she was the eldest daughter of JOSEPH PIERCE, Esquire, of Boston, a lady of great beauty, talents and accomplishments, formed for the grace and pride of society; he loved her with a poet's fondness and with more than a poet's constancy, and she returned his affection through every change of circumstances during her life. She had by him four children, but one only of them is now living. LATHROP was a delightful companion, and every one who knew him was fond of him. The little children kept memorandums of his kindness, for he sung their joys, or lamented their misfortunes, however trifling the incident, with parental fondness and feeling. He, indeed, mingled with all social beings that came in his way as far as they would permit him, and his soul seemed to diffuse

itself into every pleasure or pain which came in his course, and frequently without necessity or reason. But notwithstanding his susceptibility he was not fickle. It might be said of him, as was said of a greater man, but one with something of his cast of character, that "his enmities were placable, and his friendships eternal."

When he returned to this country in 1809, our commercial prosperity was on the wane, and our literary institutions of course suffered from the stagnation of business. He had resolved on his return to establish a literary Journal on an extensive plan, but his friends gave him but little encouragement of the success of such a paper. Politics had at this time pervaded all ranks of people, absorbed every other passion, and interrupted every other pursuit. The parties were rancorous, and nothing would answer for publication that was not highly seasoned with politics. He was not prepared by disposition or studies to enter into this contest, and there was nothing left for him to pursue, but the profession of an instructer, as he had been too long out of the practice of the law to do any thing among so many as he found at the bar. He taught a school in Boston for several years, wrote in the papers, delivered lectures on Natural Philosophy, and gave the public several

songs and orations, for festive and masonic purposes; but all these exertions did but barely support him, and added nothing of importance to his literary renown; though these productions were frequently excellent. An occasional writer gains no permanent fame, if his works are given only to a newspaper, for every thing in them is fugitive. Tired of this kind of life, which from habitual carlessness was not followed with assiduity or punctuality, and of course was without much profit or celebrity, he formed a determination to remove to the South, expecting there to find congenial souls, and a better fortune. At the cities of Washington and Georgetown, in the District of Columbia, he continued his profession of an instructer, a lecturer, and writer in the papers of the day. Through the influence of his literary friends he obtained a situation in the Post-office, which he held for some time, but these every-day and precise duties grew irksome, and were sometimes neglected; but from the consideration of his pecuniary wants, his talents, and pleasant disposition: and above all, from the respectability and power of his friends and patrons, he was retained when others would have been dismissed for inattention. His manners too, were so bland, modest and affectionate, his principles so good, his heart so open

and communicative, that he was loved and supported, when his negligence of duty, and carelessness of himself would have cast an ordinary man out of the pale of elevated society. His friends were sometimes distressed at his want of foresight and prudence, and grew cool towards him for a while, but such was the sweetness of his temper, and his freedom from envy, malice, or any bad passion, that he was received again into favour. The willingness to share his last shilling with the indigent and wretched, never left him, although he had been deceived, betrayed and fleeced an hundred times; and when he had nothing else, "he gave to misery all he had, a tear," and would share in the distress of any one when sympathy could not relieve it. For some time previous his nerves had been shattered and his spirits broken, and he sank into the embraces of death, on the 30th day of January, 1820—a victim of sensibility.

The evils which too often attend genius are benevolence, generosity and confidence, carried beyond the dictates of a sound judgment. The heart warmed with kindness, and flowing with tenderness, is too easily wounded, and is lavish of its affections, until sad experience either shuts up its pores, deadens its pulses, or breaks it altogther.

Unlimited confidence in mankind always ends in disappointment, and frequently in misanthropy. The man of feeling wastes much of his sustenance upon the ungrateful, and many of his best sympathies upon those who do not deserve them. If fortune changes and he wants assistance, he then finds with what tenacity others hold their wealth, and what false estimates he has made of character. He is frequently denied where he expected succour, and relieved where he anticipated oppression. Many sneer at his folly, from whom he hoped commiseration, and some spare his feelings, from whom he dreaded contumely and reproach. He has to make a new estimate of things, and learn to practice a more sturdy philosophy, if he intend to recover by struggling against the current that he finds pressing against him. If this be not done instantly, the unfortunate man is irretrievably lost; every day brings a deeper sickness to the heart, and every hour witnesses some portion of energy and fortitude gone. To one so situated, literature loses its power to charm, and philosophy her consolations. To him retrospection is full of reproach, and hope seems to have but little to do with the future. But after all, that men are unfortunate is not so much the fault of the unkind and hard hearts of others, as the humane

and good imagine. It is the fault of the sufferer himself; placed in straitened circumstances, he promises with the solemn intention of performing his obligations, but is unable. This leads him to subterfuges he despises, and to courses he disdains. Such a man would probably have sufficient fortitude to suffer, and bear up against his hard fate if he were alone, but the distresses of a wife and family, dearer to him than life, drive him to do almost any thing to relieve them. The friends of an embarrassed man do not always take the most proper measures to assist him, and he too often vents his spleen, when he should be struggling to retrieve himself. A broken heart is a more common death than is generally believed, for there are but few who can hold an aching bosom with one hand to prevent its bursting, and with the other fight a host of enemies, to gain a better fortune, and go on to victory, notwithstanding the world is more dreary than a December's night, until

> "They win the wise, who frown'd before,
> To smile at last."

These are not few—the victims of tribulation and misfortune are scattered in every path of life, and on every page of domestic history. There are a thousand brave souls, who fall on their swords

in despair, to one who like Marius calmly contemplates his fallen fortunes on the ruins around him, and determines by decision, energy and perseverance, to force the fates to relent and make him prosperous. But it is idle to moralize too long—the subject of this sketch is beyond our wishes in this world, and out of the reach of any maxims, however wise. His virtues were numerous, and his faults few; the former were never so useful to the world as they might have been, and the latter. without injuring others in any considerable degree, shed all their baneful influence on himself.

The writings of LATHROP were numerous, but he published no work of any considerable extent or magnitude. All are worthy of being preserved. His philosophical lectures were sufficiently learned, and shewed a classical and delicate taste. His orations and essays were neat, spirited and elegant—and his poetical compositions will bear to be read along with works of more celebrity, without apprehension from the comparison. I have looked over his productions with some attention, and think they are much better than they are in general considered. The following Ode, and other pieces selected from his works, if not of the first order of fine writing, are evidence of pure feelings, and a chastened and elevated imagination.

This Ode was written for the 20th anniversary of the Massachusetts Charitable Fire Society.

IF on the haughty warrior's brow,
Is plac'd the crown of deathless fame;
And earth's applauding lords bestow,
Their proudest titles on his name;
Oh say, shall glory's partial hand,
Withhold the meed to pity due,
When plaintive sorrow's grateful band
For wreaths to deck their patrons sue?

A tear-enamell'd chaplet weave,
Round BOWDOIN's venerated urn,
Where all the patriot virtues grieve,
And votive lamps of science burn;
Sweet charity on RUSSELL's tomb,
A shower of vernal flow'rets throws;—
And bays of fadeless verdure bloom,
O'er classic MINOT's calm repose.

New England's worthies grace the pyre,
Whence BELKNAP soar'd, forever blest!
Religion lights her hallow'd fire,
Where pious STILLMAN's relics rest;—
Why mourns the Muse with tearful eyes
While pondering o'er the roll of death?—
Afresh her keenest sorrows rise,
With EMERSON's departed breath!

Ah! Heaven again demands its own,
Another fatal shaft is sped,
And genius, friendship, learning mourn
Their BUCKMINSTER among the dead!

To Eliot's tomb ye Muses, bring
  Fresh roses from the breathing wild,
Wet with the tears of dewy spring,
  For he was virtue's gentlest child!

Ye sainted spirits of the just,
  Departed friends, we raise our eyes,
From humbler scenes of mould'ring dust
  To brighter mansions in the skies.—
Where faith and hope, their trials past,
  Shall smile in endless joy secure,
And charity's blest reign shall last,
  While heaven's eternal courts endure.

The longest poem that I have found among his works, is called by him the "Speech of Cannonicus," a Narraganset chief. It describes the venerable sachem at the Council Fire, 1620, at the age of eighty-four,—resigning his authority to his nephew. The puritans of that day would not have been pleased to hear a pagan compared with a holy man of Israel; but at this time we may venture to extract his description of the chief.

At length—serene Cannonicus arose,
  The patriarch sachem of the rude domain;
Such was the ruler, whom Jehovah chose,
  To lead from Egypt's bonds the Hebrew train:—

So Moses look'd, when pleas'd, from Pisgah's height,
  He viewed the promis'd land to Israel given,
When round his temples beamed celestial light,
  And choirs of angels beckoned him to heaven.

In his speech Cannonicus goes deeply into the mysteries of creation and providence, of which he introduces the best aboriginal traditions. The creation of the Adam and Eve of the Indian world, though injured by a few conceits, is certainly of no ordinary cast.

There, God retired, elate, from mammoth's death,
Form'd Man of oak, and quickened him with breath,
Moulding the wood according to his will,
Nine moons his plastic hands employed their skill.
Life's vital fount within the breast he plac'd,
And Reason's seat the brain's nice fabric grac'd,
Superior wisdom beaming from his face,
Proclaim'd the lord of earth and all its race.
Erect and tall the new commander strode,
In shape and motion, noble as a god.
His eye, the spirit intellectual fir'd,
His ample heart no vulgar joys desir'd,
For there, though chief, unrivall'd and alone,
Had Emulation fix'd her blazing throne.
Next, to complete th' Eternal's glorious plan,
Sweet woman rose, the sole compeer of man,
Her voice was soft as Philomela's note,
When evening's shades o'er flowery vallies float;
Her lips breath'd fragrance, like the breeze of morn,
And her eyes sparkled as the spangled thorn,
Ere glist'ning dews, by heat exhaled away,
Yield their mild splendours to intenser day.—
A silken skin adorn'd her waving form,
Whose glossy texture touch'd—so smooth—so warm,
Through the thrill'd breast diffused a rapt'rous glow,
And bade the blood with amorous phrensy flow.
She, like the skies, which gazing tribes adore,
Two beauteous orbs upon her bosom bore,

Whose charms united, bless'd continual view,
While heaven's lights singly deck'd the expansive blue,
Giving all seasons of man's life to prove,
The bliss of constant and unfading love;
Perfect she shone, the fairest and the best—
Of all God's works the paragon confest.
This pair, the parents of our race designed,
The solemn rites of holy wedlock joined;
From their embraces, sprang forth at a birth,
Of different sex, two more, to people earth,
Thence, still proceeding, num'rous children smil'd,
And gladden'd with their sports the shady wild,
Till Paugautemisk held paternal reign,
O'er the throng'd forest and the busy plain.

The vision of the aged chief when "rapt into future times," is beautiful and splendid.

Thus heaven decrees: and swift elapsing time,
Shall here behold an empire rise sublime!—
Sachems, like gods, shall rule the orb of state,
And mighty chieftains wield the shafts of fate;—
With energy divine shall law control,
And curb the intemperate passions of the soul,
But, to the honest and industrious prove,
Mild as the language of parental love.
And here shall art conduct her liberal train,
And agriculture fertilize the plain,
The mead shall bloom, and round the mountain pine,
In fond embrace shall wind the luscious vine;
The elder world her richest gifts bestow,
And science bid her sacred olive grow,—
While commerce boldly shall unfurl her sails,
And court the polar and solstitial gales,—
Or like an eagle, fearless, speed her way,
On airy wings to greet the rising day,—

Or seek for treasures on the wave where night
Throws her dark mantle o'er the god of light!
Thus shall a foreign race achieve the fame,
And on our ruins, raise a deathless name!

This poem was printed at the Hurcarrah press at Calcutta, and dedicated to the Marquis of WELLESLEY, but has never been reprinted in this country. I obtained it from his amiable widow, a lady whom Lathrop married in India; she is a daughter of a respectable English merchant in Calcutta, by the name of Bell, and has returned, since the death of her husband, to her father.

The joys and sorrows of a man of feeling, the accidents in the life of a man of letters, are subjects, however painful, we seldom wish to finish, but dwell upon with a sort of melancholy pleasure. We weep at his misfortunes, pity his frailties, and gather up his virtues in his epitaph. In lingering round his grave, we draw a consolation from knowing that all his troubles are over, and that he is in the hands of an all-perfect and benevolent God. If we are wise we reflect on the weaknesses of the dead, to shun them, and on their virtues to imitate them. The lessons of instruction from the tomb are spoken with a tongue, on which hang more than mortal accents. In this solemn musing we come to the just conclusion, that the happiest and

best of us are beings of no certain destiny but death, and of no stedfast hopes but in another world ;

> " Poor wand'rers of a stormy day,
> From wave to wave we're driven,
> And Fancy's flash, and Reason's ray,
> Serve but to light the troubled way—
> There's nothing calm but heaven!"

GRIDLEY.

JEREMIAH GRIDLEY, the subject of this sketch, graduated at Harvard University, 1725. He first engaged as an usher in the Boston grammar school, in which capacity he continued for several years, and was succeeded in that office by the well known master LOVEL. While engaged in school-keeping, and for some time afterwards, he pursued the study of theology and general literature, to qualify himself for the pulpit, and he began to preach, but either not finding a parish which suited his views, or thinking his lofty and fastidious feelings would often be wounded in this profession, or that he should not bear the cross with true christain meekness, he turned his attention to the law. In this profession he was born to excel, having all the qualifications, but fluency, which are required for eminence in this course—discernment, readiness, hardihood and perseverance.

At the commencement of his practice, like most young men, he had some leisure hours, and being

determined to be known more extensively than he then was—his reputation, however, even at this time, was very considerable—he established a newspaper, which was called the Rehearsal; the first number was printed the 29th of September, 1731. By this effort he gave the public a lasting proof that he was one of the most elegant and classical writers of his age. The speculations in this paper are ingenious, and discover originality, shrewdness, and deep sagacity, but this is not so remarkable as the warmth, purity and splendour of style in which the essays on various subjects from his pen are written; they are not disfigured with the quaintness which was prevalent at that day, but are bold, manly, and flowing, abounding with such graces of style, and such profoundness of remark, as would have done honour to the great essayists, his contemporaries, on the other side of the Atlantic. But he found it necessary to relinquish the labours of a journalist, as his business in his profession was rapidly increasing, and demanded the greatest portion of his exertions.

At the bar he was held in high estimation for legal attainments: he was not contented, as many were, with a pitiful accuracy in the practice of the courts, for their crude and unsatisfactory rules did not pass with him for a system of law; but he

went up to first principles, and placed the science upon the immutable foundations of truth and justice. He had nothing mercenary in his disposition, but was humane and liberal in his feelings, and when his clients were able to pay he claimed his honest dues, and was content with them. His manner of addressing a court or jury is represented as lofty and magisterial, and his opinions are said to have been given with an air of authority; not that he was ever disrespectful or contumelious, but his confidence arose from the consciousness of his own strength. He never condescended to instruct his client in the law, or point out the course he should pursue in a cause. An anecdote of his management of a cause, which I have from a veteran of the bar in a neighbouring state, is characteristic of GRIDLEY. "About the year 1760, a Mr. LOMBARD, the settled minister of the gospel in Gorham, upon some uneasiness which arose between him and the people of his charge, they mutually agreed to dissolve the connexion, and the parsonage being valuable, and under culture, he was to have its improvement, until they should settle another minister, and LOMBARD, who was a gentleman of education, gave bond in a penal sum of two or three thousand pounds to MORETON and PHINNEY, two of the elders or deacons, that

upon their settling another minister he would deliver up the parsonage. In the space of a year or two an illiterate man, whose name is not recollected, preached among them, and received a call to settle with them and become their minister; none of the neighbouring ministers or churches would assist in his ordination, and thereupon the Church proceeded to ordain him in the congregational way, by the imposition of hands of MORETON and PHINNEY, according to the Cambridge platform; after which a suit was brought upon the bond against LOMBARD at the court of common pleas, at Falmouth; the case was largely argued by counsel, and Mr. LOMBARD was indulged to add something to what his counsel had said, to show that the man they had inducted to office, was not the minister meant and intended by the bond, and read some passages from a Greek Testament respecting the qualifications of a minister, the original of which he explained: but the jury found a verdict for the plaintiff. LOMBARD appealed to the supreme court, then held at York—the whole district of Maine being then in York county—Mr. GRIDLEY was then employed as counsel, and the jury found a verdict for the plaintiff; after which GRIDLEY moved in arrest of judgment—that there was no issue joined, which being apparent from

the papers, judgment was arrested, a repleader directed, and the cause continued until the next term, when GRIDLEY introduced a plea in bar, reciting the grant of the township from the General Court; the reservation of the parsonage for the use of a pious, learned, orthodox minister, &c. and then averred that the town had not settled another pious, orthodox, learned minister; DANIEL FARNHAM, Esq. for the plaintiff replied, that they had settled another pious, orthodox minister, omitting *learned*, because, as was said, he was unwilling to put that in issue and of this put themselves on the country. To this replication GRIDLEY demurred for a departure in the replication, to which there was a joinder in demurrer. After a short argument, the replication was determined to be insufficient, and the Court rendered a judgment in favour of LOMBARD—who being out of the court-house at the time of the decision, on being told he had obtained his cause, hasted into court, and to his counsel—says GRIDLEY, man, you have obtained your cause —LOMBARD, in astonishment, asked him how?—How, sir? GRIDLEY replied, you can never know until you get to heaven."

When TROWBRIDGE was appointed Judge, GRIDLEY was made Attorney-General, and held the office until his death. In this capacity he

was sometimes called upon to defend opinions and principles which were not very congenial to his feelings as a patriot; but his arguments for measures in opposition to the popular opinion have nothing of arrogance nor timidity about them, but are fair and gentlemanly, and the reasoning of his opponent was always heard with great candour. Pride and power are restive at opposition, but GRIDLEY discharged his duty to the crown without exasperating the people.

On the question of the legality of writs of assistance which at that time produced a great excitement, he was opposed by his former pupil and particular friend, JAMES OTIS—a man whose fame will be forever blended with the glory of the revolution. He was an advocate of high standing at the bar, at that period, and was every day becoming more distinguished. History, and his contemporaries have established his reputation for erudition, taste and address, and above all, for his unrivalled eloquence and its wonderful power over both court and jury. The discussion upon those writs is said to have been the commencement of that series of acts and opinions on the part of the colonies which terminated in the revolution and its consequences. From this time, which was shortly before GRIDLEY'S decease, there was no

pause nor rest in the labours of Otis, for he was constant, open and bold in the cause of his country. Office, emoluments and royal favour and patronage sunk before his patriotism, and even considerations of personal safety were disregarded. His zeal was a living flame, pure, intense and holy, which warmed and enlightened his countrymen. As he marshalled them for resistance he taught them how to support and defend their conduct and feelings. His fate was singular as his path-way was luminous. For several years before his death his intellects were in a state of alternate gloom, obscurity and hallucination, until 1783, when he was relieved from pain and wretchedness "and all that mighty minds can suffer," by a flash of lightning, on which was sent to him the angel of death.

I should have placed him among my sketches, and meted out to him what justice I could, if I had not known that his character was in abler hands. The public are impatient for the life of Otis from the classical pen of Tudor.

It was not in his profession alone that Gridley was conspicuous, for he was active and busy in various walks of life. As a legislator he was indefatigable in devising plans for the advancement of knowledge, and for the peace, comfort and prosperity of the Commonwealth, and his extensive

information and well tried integrity gave him an opportunity of doing much good. He knew that commerce and an acquaintance with the arts and sciences were indispensable to a people who were eager for liberty, distinction and prosperity. To advance the honour of his country and to give facility to trade, he used exertions to make the merchants of Boston insure their merchandise and vessels at home, rather than in England; in this he had much to do, for the maritime law was then in its infancy in England. To assist the merchants more readily, he became a member of the Marine Society in Boston, and was their President for many years, and in all matters of commercial law his opinions were regarded as a standard authority.

He who feels within himself that power of genius which gives form and comeliness to whatever may happen to come under his guidance and care, is not readily confined to a narrow course of duties, but stretches his fostering hand with parental affection to fashion the infant institutions of his country.

Knowing that all possessions are nothing without power, valour and skill to defend them, and believing in the efficiency of the militia system for protection, if citizen soldiers were properly organ-

ized and instructed, he entered with enthusiasm into military affairs and accepted the command of a regiment. His appearance as a parade officer, or how successfully he discharged his duties on the field I have not been able to ascertain, for most are gone who could tell us, and those who may remain I do not know.

Gridley preferred offices of honour and distinction to those of profit. Never was there a man whose mind soared at such a sightless distance above all low and mercenary views. If tradition be true and the memory of the aged can be relied on, he was too chivalrous for his own interest and that of his friends and family; but this error is too rare among men for me to stop the progress of this narrative to denounce it; the example is not seductive; men frequently follow a worse. Warm, ardent, proud, and generous, he never for a moment felt the spirit of rivalry and envy, though among his students and those who were under his patronage, there were many who afterwards held the highest rank at the bar, and several of them settled around him. In the freedom of remark which was indulged at that time, at the bar, he often declared that he had reared two young eagles who were one day to peck out his eyes. This observation was probably made to bring into notice

his friends, Otis and Adams, and not from jealousy. The envious and jealous seldom indulge in panegyric.

The papers which announced his death spoke of his elevated views, his profound learning, and above all, the warmth, purity and stedfastness of his friendships. He died poor, and his executors were about to bury him as a private gentleman, but the merchants, the bar, the judges, and the masonic fraternity, all conspired to see who could honour his memory the most. The grief felt at his loss reached all classes in society, for he had done much good in the community, and had left the world in the fulness and maturity of his faculties. He died the 10th of Sept. 1767—not far from sixty-two years of age.

There is about the mind of a great man conscious of his superiority, a calm, settled, dignified contempt for purse-proud insolence and meanness, which withers and blasts the little creatures who have been made by a successful speculation.—Wealth when fairly obtained and properly enjoyed, can never fail to give its possessors standing and influence—it is a passport through the world, and it ought to be, when accompanied with the intelligence and deportment of a gentleman; but there is a race of men, bloated by the sudden ac-

quisition of wealth, who swaggeringly demand the homage of all; from such, this haughty and elevated man turned with a sneer; but it was all the bitterness he had in his nature, and was gone as soon as the object that produced it had passed by.

It was fortunate for the masonic family that a man composed of such fine elements, should become engaged at this early period in the cause of the craft; his weight of character, his zeal and his ability to defend and support whatever cause he chose to espouse, was of great importance to them, and did much to diffuse masonic light and knowledge. The order of benevolence had but just been established in the new world when he was appointed its Grand Master, and he wore his honours unsullied to the last hour of his life. His coadjutor in planting and cultivating this exuberant vine of charity, whose flowers are fragrant to humanity, and whose fruit all nations have blessed, was the sage and patriotic Franklin; under such hands and by the smiles of Providence, its roots struck deeper and its branches spread higher every day, but the most ardent hopes of these philanthropists have been more than realized in the prosperity of our country and our craft. If their spirits could revisit the earth and take note of what is doing here, with what joy would they witness

the extension and progress of every branch of knowledge among their countrymen? And with what pleasure would they count the numbers of charitable institutions which now shed their balsams upon the wounds of life?

The history of useful institutions are as valuable to the community as the lives of eminent men. They are intimately blended. These institutions are like rivers which spring from remote fountains and in their course are enlarged by many tributary streams. It is pleasant to go up to their sources. I shall not apologize for subjoining to this sketch of GRIDLEY a succinct account of the rise and progress of Masonry in this country, for he had been Grand Master of all North America for more than twelve years in the early history of Masonry, and by his systematic habits and creative genius, did more to establish those principles and forms which have given importance and stability to the order than any other individual in America; and he deserves to be held in perpetual remembrance by the craft. I have been assisted in preparing this brief masonic chronicle by one well acquainted with the ancient records.

Free Masonry was first introduced and established in America by a number of influential members of the fraternity residing in Boston, under the patronage and direction of the

Right Honorable and Most Worshipful Anthony, Lord Viscount Montague, Grand Master of Masons in England, who in the year 1733 granted a commission to Henry Price, Esq. appointing him Provincial Grand Master of New England.

The Provincial Grand Master, on receiving his commission, immediately summoned together several respectable Masons in Boston, and organized a Provincial Grand Lodge for the government of the craft, under the title of "St. John's Grand Lodge."

A petition was then presented to the Grand Lodge by several brethren residing in Boston, praying to be constituted into a regular Lodge; that they might be enabled to extend the benefits of the institution to those who should wish to be initiated into its mysteries. The prayer of this petition was granted, and Henry Hope, Esq. appointed and installed Master of the First Lodge, or St. John's Lodge. In December of the same year James Gordon was installed Master of the same Lodge; and the festival of St. John the Evangelist was celebrated with Masonic rites for the first time in America.

In the following year the Grand Master received an additional commission, extending his jurisdiction over all North America. In June the same year (1734) Benjamin Franklin, Esq. of Philadelphia, being on a visit in Boston, became acquainted with the Grand Master, who instructed him in the royal art. On his return to Philadelphia, he called together the brethren, and petitioned the Grand Master for a charter to hold a Lodge. A deputation was thereupon sent to Philadelphia, a Lodge was constituted, and the Right Worshipful Benjamin Franklin, Esq. appointed and installed the first Master. In a somewhat similar manner, Lodges were subsequently constituted in Portsmouth, New Hampshire, Charleston, South Carolina, Antigua, Nova Scotia, Newfoundland, Newport and Providence in Rhode Island, Annapolis in Maryland, Newhaven, New London and Middletown in Connecticut; all of them the first masonic institutions established in their respective places, and formed of the most conspicuous and respectable characters in civil society. Thus Free Masonry was extended over the country, and founded on a permanent basis, under the au-

thority, and by the labour and influence of St. John's Grand Lodge, in Boston.

The attention of the public was universally excited towards the institution, and though shrouded under a veil of mystery, it commanded general respect; in consequence of the elevated rank, and exemplary character of those who took an active part in its support.

Henry Price, Esq. presided over the Grand Lodge of North America, or St. John's Grand Lodge, until the year 1737, when he resigned his office, and was succeeded by Robert Tomlinson, Esq. who continued in office until his death; he was succeeded by Thomas Oxnard, Esq. who received his commission from England in the year 1744, and was installed Grand Master in ample form in March of the same year. At his installation the Rev. Charles Brockwell preached the first Masonic sermon that was preached in America, at Christ's Church, December 27, 1749. He sustained the office of Grand Master until his death, (June 1754) and discharged the duties of it with great honour to himself and satisfaction to the fraternity. The estimation in which he was held was demonstrated by the great respect paid to his memory. "His corpse was attended to the grave by a numerous train of relations and friends, and by the Society of Free and Accepted Masons, dressed in black, and clothed with white aprons and gloves. The whole attendance was conducted through a vast number of spectators, with great order and decency." Thomas Oxnard, Esq. was a wealthy and eminent merchant, and highly esteemed and respected by his fellow citizens. On the decease of the Grand Master the Grand Lodge elected Jeremy Gridley, Esq. counsellor at law, their Grand Master, and petitioned the Grand Master of England to grant him a commission, and to limit the same to three years continuance, unless the Grand Lodge should see fit to extend it to a longer period. It is believed this is the first attempt to limit the duration of a Grand Master's authority recorded in the history of Masonry.

Agreeably to the petition of the Grand Lodge, Jeremy Gridley, Esq. received a commission from the Grand Master of

England, in 1755, appointing him Provincial Grand Master of North America; but without limitation in its duration.

At a grand feast prepared for the occasion, October 1st, 1755, the Right Worshipful JEREMY GRIDLEY, Esq. was installed in ample form. Grand Master GRIDLEY had great difficulties to encounter in the discharge of his official duties, which grew out of disputes among the fraternity in Great Britain, commencing in the year 1736, when the Earl of Crawford was Grand Master of England. He offended the Grand Lodge held in the city of York, by granting deputations which were thought to encroach on the prerogatives of the York Masons. The friendly intercourse which had heretofore existed among the fraternity throughout the kingdom was stopped, and the York Masons, from that moment, considered their interests as distinct from those of the Masons under the jurisdiction of the Grand Lodge of England. The Grand Lodge of Scotland and others sided with the York Masons, and styled the Grand Lodge of England, and those under its jurisdiction, Modern Masons, from whence arose disgraceful dissensions and animosities among the fraternity. At what period the difference commenced in some unessential ceremonies, we cannot determine; but we are authorized by the history of the craft to state, that if this difference existed previously to the schism we have adverted to, it was not considered of sufficient importance to prevent the friendly intercourse of visiting and mutually assisting each other.

The spirit arising from this contention rapidly extended itself over the old world, and soon after made its appearance in America. The Grand Lodge then established in this country, with jurisdiction over all North America, as it emanated from the Grand Lodge of England, was styled a Lodge of Modern Masons, by those who had imbibed the prejudices of the York Masons. A few years after the schism in Great Britain, a Scotch regiment, in which there was a travelling Lodge, held under the jurisdiction of the Grand Lodge of Scotland, being in Boston, several gentlemen were made Masons by them, and after the departure of the regiment they proceeded to form a

Lodge and make Masons, without being authorized and constituted by any Grand Lodge. St. John's Grand Lodge considered this conduct highly irregular and derogatory to the character of the fraternity. The members of this association were denounced as irregular Masons, and the Lodges were directed not to receive them as visitors, or recognize them in any way as Masons. Finding themselves thus set apart from all the fraternity in America, they petitioned the Grand Master of Scotland for a charter. Through the agency of a brother, James Logan, who had been a Master of a Lodge in Scotland, and a member of the Grand Lodge, they obtained a charter, under the denomination of St. Andrew's Lodge, in 1752, from Lord Aberdour, then Grand Master of Scotland. After obtaining this charter, and being, as they considered, regularly constituted, they presented a petition to the St. John's Grand Lodge, praying that they might be recognized as regular Masons, and reciprocate visits with the Lodges under the jurisdiction of the Grand Lodge, but expressed no disposition to submit to their jurisdiction and authority. The Grand Lodge considered the charter, constituting St. Andrew's Lodge, as an encroachment on their prerogatives. The Grand Master accordingly issued his mandate forbidding all intercourse with the members of St. Andrew's Lodge, unless they should submit to the jurisdiction of the Grand Lodge.

This measure produced re-action in the members of St. Andrew's Lodge, and led them to make an effort to extend their authority and influence, and after various struggles in opposition to the authority of the Grand Lodge, and, after repeated attempts to effect an intercourse on their own terms during the administration of Grand Master GRIDLEY, they petitioned the Grand Master of Scotland to grant a commission to Dr. Joseph Warren, appointing him Provincial Grand Master of Ancient Masons, and with the assistance of three travelling Lodges, held in the British army, then stationed in Boston, they effected their purpose.

This object, however, was not attained until after the decease of Grand Master GRIDLEY, which event took place on

the 19th day of September, 1767. The high estimation in which he was held by the Fraternity, and by the public at large, is demonstrated by the following extract from the ancient records of the Grand Lodge.

"*Boston, September 14th*, 1767.

"On Thursday evening last, at 11 o'clock, departed this life the Right Worshipful JEREMY GRIDLEY, Esq. Grand Master of Masons over all North America, Attorney-General for the Province of Massachusetts Bay, a member of the Great and General Court of said Province, and a Justice throughout the same, Colonel of the first regiment of militia, and President of the Marine Society, &c.

"The funeral was attended on Saturday last, with the respect due to his memory, by the members of his Majesty's Council, and the Judges of the Supreme Court in town, the gentlemen of the bar, the Brethren of the Ancient and Honourable Society of Free and Accepted Masons, the officers of the Regiment, the members of the Marine Society, and a great number of the gentlemen of the town.

"Strength of understanding, clearness of apprehension, and solidity of judgment were cultivated in him by a liberal education and close thinking. His extensive acquaintance with classical, and almost every other part of literature, gave him the first rank among men of learning. His thorough knowledge of the Civil and Common Law, which he had studied as a science, founded in the principles of government and the nature of man, justly placed him at the head of his profession. His tender feelings relative to his natural and civil ties—his exquisite sensibility, and generous effusion of soul for his friends, were proofs that his heart was good, as his head was sound, and well qualified him to preside over that ancient Society, whose benevolent constitutions do honour to mankind. He sustained the painful attacks of death with a philosophical calmness and fortitude, that resulted from the steady principles of his religion. He died in the 62d year of his age."

WRITTEN EXTEMPORE ON THE DEATH OF THE LATE JEREMY GRIDLEY, ESQ. BARRISTER AT LAW.

OF parts and learning, wit and worth possess'd,
Gridley shone forth conspicuous o'er the rest;
In native powers robust, and smit with fame,
The genius brighten'd, and the spark took flame;
Nature and science wove the laurel crown,
Ambitious each, alike confer'd renown.
High in the dignity and strength of thought,
The maze of knowledge sedulous he sought,
With mind superior studied and retain'd,
And life and property by law sustain'd.
Generous and free his liberal hand he spread,
Th' oppress'd reliev'd, and for the needy plead;
Awake to friendship, with the ties of blood,
His heart expanded, and his soul o'erflow'd,
Social in converse, in the senate brave,
Gay e'en with dignity, with wisdom grave;
Long to his country and to courts endear'd,
The judges honour'd, and the bar rever'd.
Rest, peaceful shade! innoxious as thy walk,
May slander babble, and may censure talk,
Ne'er on thy mem'ry envy cast a blot,
But human frailties in thy worth forgot.

After the death of Grand Master GRIDLEY, the past Grand Master, Henry Price, Esq. presided over the Grand Lodge, and a petition was sent to England by the Grand Lodge, praying that John Rowe, Esq. might be appointed Grand Master of North America, and they again requested a limitation of the authority of the Grand Master to the term of three years, unless the Grand Lodge should see fit to extend the duration of it; but so far was this principle from being recognized, that it appears from the commission it was granted, not in consequence of the election of the Grand Lodge, but from the recommendation of Past Grand Master Price, and for an unlimited time.

These facts are stated to shew the manner in which masonic institutions were organized at that time, and that the present forms of masonic government in this country are innovations in the system, and of American origin. John Rowe, Esq. was installed Grand Master, November 23, 1768, after having received his commission from his Grace Henry Somerset, Duke of Beaufort, &c. &c. Grand Master of England.

These two Grand Lodges were supported by the most distinguished men in the country, and flourished under the care of highly respectable masters until the war of 1775 suspended most masonic intercourse for many years. After the peace, when all things had assumed a quiet state, the adherents of the two Grand Lodges thought it wise and proper to unite themselves, and no longer to hear the discordant sounds—I am of Apollos, or, I am of Cephas—but to make the order of benevolence one and indivisible—that harmony and charity might abound. This was effected in the year 1792, and the former distinctions and parties are remembered no more.

SEWALL.

SAMUEL SEWALL, late chief justice of the Commonwealth of Massachusetts, was born at Boston, in December 1757. He was descended from that Mr. SEWALL who came to this country at an early period of our history, and settled at Newbury, in the county of Essex. His family, from its numerous branches, has produced many distinguished lawyers, judges and statesmen.

The subject of this sketch gave early proofs of talents, industry, and firmness of character. On leaving Harvard College, in 1777, he entered the office of FRANCIS DANA, Esq. of Cambridge, afterwards chief justice of the Commonwealth, then a distinguished lawyer, who had been in full practice at that place.

The war was at that time raging, and great fears were entertained of the ultimate success of the struggle for independence, and of course, for the future destinies of the country. From some letters he wrote at that period, it is fully seen how much he was distressed for his country's weal; but he endeavoured, as much as possible, to con-

ceal his fears and to dispel his anxieties by a close application to his books.

He began the study of the law, considering it a science, and laboured to make himself master of its principles. There was no necessity for haste in his course, and he went to work with extensive views, and a settled determination first to understand the philosophical structure of the common law; to separate that which grew from local feelings and interests, national necessities and maxims of common sense, and to combine for application and use, when he should come to the bar, all that was excellent and perfect in the system. At this time the laws of nations were much discussed, and every young man of talents, in the profession of the law, was anxious to be acquainted with the principles of this moral and political code. Instead of confining himself to the few standard authors on the laws of nations, such as Puffendorff, Vattel and others, who had then written on this subject, he made himself master of the civil law, and the ecclesiastical canons, the general polity o different ages and nations of the world, and from this cause more than any other, he became eminent as a commercial lawyer.

Naturally of a delicate and ardent temperament he could not entirely lose his fears for his future

prospects, but even in his most assiduous pursuits the obstacles to distinction and success appeared to him numerous and formidable. He imagined, at times, that he wanted voice, courage, readiness and many other qualifications necessary to make a great advocate. On this subject he held a correspondence with several of his learned and experienced friends, who, knowing the powers of his mind, fully and explicitly expressed to him the certainty they felt of his being equal to any task in his profession; but this sincere, yet flattering opinion of his talents did not at all times keep him from the most gloomy forebodings.

I have procured the copies of several letters written to him, while a student at law, by his maternal grand-father, EDMUND QUINCY, Esq. a gentleman of classical education, and much esteemed for his piety, learning, discrimination and sound sense in the business of life.

These copies were taken from a book kept by Mr. QUINCY, and came to my hands from Mrs. DONNISON, his grand-daughter. The book was in possession of her father, and she took some of his papers at his decease, and among others this. These letters give a just view of the times in which they were written, and discover an extensive knowledge of the character and duties of a lawyer.

SEWALL'S connexion with such people, and the early bias such connexions gave to his mind, can be traced in every situation in which he was afterwards placed. This only adds another proof to the many on record of the advantages to be derived from the counsel and protection of the wise and good, at our entrance into busy and active life.

Having finished his course of reading with judge DANA, he settled in the town of Marblehead, in the county of Essex. This is a commercial county, having an extensive seaboard, and containing many thriving maritime towns.

As soon as business revived after the war, the active people in Essex were early engaged in extensive trade. Out of this commerce grew numerous contracts, which furnished new questions, and brought into use and notice the attainments of SEWALL as a commercial lawyer, and gave him opportunities to display to advantage the acuteness and strength of his intellect. In all these discussions on maritime affairs, he was so conspicuous and learned, that the most intelligent classes of merchants were anxious that he should represent their interests in Congress, and after much entreaty he was prevailed upon to accept a seat in that body. Although there is no memorable specimen of his eloquence or ability on record in their annals, yet

those who were his colleagues at that time, and other members of Congress, acknowledged him as the first commercial lawyer among them. He was chosen to represent his district, first in the year 1797, and was elected the second time. He had previously been in our state legislature, where he was distinguished for doing good, and still more so, for preventing evil. The people were running wild upon the subject of making laws—Every thing was to be cheap, easy and familiar. The law was to be brought to every man's comprehension; all technicalities were to be removed, and the profession proscribed as useless. The mildness and modesty united with the force of argument that he exhibited on these subjects, opened the eyes of many honest and fair minded men, who had been deluded by false and specious arguments, and they were brought to think and act rightly by the information which he gave, and the pains that he bestowed on the questions as they arose.

In the year 1800 he was put on the bench of the Supreme Judicial Court of this Commonwealth. This appointment gave great pleasure to the profession and to all commercial men. He continued associate judge until judge PARSONS died, in 1813, when he was raised to the seat of chief

justice, which office he filled with honour to himself and to the Commonwealth until the time of his decease.

Judge Sewall was a high-minded and proud-spirited man, of quick feelings and correct principles. He had much of that readiness of perception, warmth of soul and richness of imagination, which, when combined with strong powers of reasoning, constitute genius. In his performances as an advocate he was always learned and ingenious, and sometimes so impressive and eloquent as not only to convince but to charm his audience. He never studied to be eloquent, but when a subject interested him he was eloquent without knowing it, or without making the least effort to be impressive or pathetic.

As a judge he was upright, firm, grave and impartial, always rising with his subject, and he showed if it were *weighty*, that he never felt it to be burthensome, as some little minds do, when they attempt what is beyond their strength. His memory was tenacious, his method admirable, and his patience in labour exemplary. He was modest, but never shrunk from the discharge of his duty, from fear of any person or event. There are times in the professional course of a judge, in which proud men make their claims and exactions with a

pertinacity which is not easily put down, and with a boldness, and sometimes an impudence, which cannot be easily resisted, but he knew his duty and maintained his rights against every attempt, and from every quarter, however mighty his assailant.

In his courtesy to the bar he was always the gentleman, and did every thing that was proper in his office to promote justice, harmony and good fellowship among them. If he had a fault as a judge it was sometimes permitting his feelings to enter into a cause, as he did, whenever he saw oppression and injustice running a successful course against unsuspecting honesty and credulity. It will not be denied that at moments he lost the coolness and composure of the magistrate in the virtuous indignation of the man. It is extremely difficult for a man of feeling, to sit calmly and patiently and witness the attacks of heartlessness and fraud upon thoughtless and harmless ignorance and imbecility. In such cases he was easily disturbed and grew restive, but he was fully sensible of this disposition, and did every thing in his power to discipline his feelings and correct this propensity. In his charges to the jury he was luminous, fair, full and satisfactory, and they retired with a clear view of their duties, and a proper disposition to

discharge them, for he always was careful to urge them to look at the subject before them without prejudice or partiality.

In his place of residence, he made great exertions to keep up a spirit of sociability and good fellowship, and entered into rational amusements with great cheerfulness.

I have known him after the labours of the day on the bench, in Salem, ride to Marblehead and officiate as master of ceremonies at the assembly, preserving the most perfect order and diffusing delight among the gay, spirited and beautiful votaries of the dance. His presence gave dignity to the amusement, for there is nothing which so tempers and regulates the exuberance of youthful spirits as to find those mingling with them whose characters and standing in society, sanction pleasure or business by participating in it.

Youth shrinks from old age and looks forward to grey hairs with dismay, because we so often see old age churlish and unwilling to enjoy or to promote enjoyment. Life is short and every duty should be discharged with alacrity, and every rational delight seized without delay. That we should look on the bounties of Providence with a disposition to enjoy, is demanded by nature, and approved by reason and religion. An assembly

in a town sufficiently large to form a circle of people of intelligence and respectability, is, when well regulated, a high school for manners, and with manners are intimately blended moral and social duties.

There are stiff and grave men who are offended that the dignity of the judge should ever be relaxed in the social amenity of the gentleman.

This prudery, which was current a few years since, is rapidly diminishing among us, and those precise rules of respect and form, behind which grave and solemn ignorance and cautious imbecility entrench themselves, are of late broken down. True dignity is now supported by purity of principle and strength of mind. The age of grave and reverend ignorance is over, and the imposition of gravity of face, of dignity of wig, and of conventicle tones is gone forever.

The spirit of enthusiasm which often animated SEWALL's breast, was conveyed by his earnest and eloquent manner to others. When his feelings, as they sometimes did, mingled strongly with his reasonings, all the electricity of his soul shot along the veins of every juryman upon the seat. There are numerous instances of his power over a jury, within the recollection of contemporaries, one of which is well remembered.

In the year 1807, a young lady of Haverhill, in the county of Essex, was riding in a chaise in a narrow road, and meeting an ox team, whose driver was carelessly sitting on the spire of the waggon, being apprehensive of danger, she turned out of the path as far as she could and called on the waggoner to be careful, but the churl, neither regarding her situation nor her sex, in the least, drove straightway on, without moving to the right hand or to the left, and overset the chaise, and with other injuries, broke the young lady's arm. By the advice of her friends she commenced a suit against him for damages, but before the action came on for trial she was married, and the action of course nonsuited, there being no legal plaintiff. The defendant, delighted at his accidental advantage, took out an execution for costs and had it served without delay or delicacy. The husband and wife then joined in an action for the same injury. SEWALL sat in the cause on trial. The defendant's counsel among other things urged, that an ox team, being slow and heavy, had in law, and certainly in reason, a better right to the middle of the road than so light a carriage as a chaise, and that she should have been on the look out and found a place to have given the teamster the road. The judge during the whole defence labour-

ed with considerable effort to restrain his feelings. The plaintiff's reply occupied but a few moments, but the whole atrocity of the case was urged with great force and precision.

When the arguments were closed the judge rose with a forced calmness, but as he went on relating the facts and giving the law of the highway, he gradually grew warm, pathetic and eloquent. He stated to the jury that the whole impression of exclusive privileges was wrong. That no waggon, stage, or other vehicle, no matter by whom owned or driven, had any exclusive rights in our common highway, and that a handcart-man had a claim to half of the road if he wanted it in dragging his cart. He told the jury that there were no prerogatives of this sort in our free country, and no one should take airs of superiority. The road was made by a tax on the people, and every traveller had equal rights. Neither the government of the Commonwealth nor the United States had here any highway. The main roads belonged to the several counties, towns and to private and public incorporations under restrictions. He dwelt upon the negligence of the teamster, and his want of feeling; and the dismay, injury and distress of the female with her fractured limb, were so minutely pictured to the jury that the whole scene rose to view and sunk as deeply upon their

minds as if described by the exact, poetic, and feeling pen of Cowper. The jury were sensible men, most of them husbands and fathers, they caught the spirit of a virtuous resentment against such brutal conduct, and after consulting a few minutes, brought in a verdict to the extent of damage stated in the writ. The report of the trial soon spread abroad, and the stage drivers, waggoners, and indeed the whole population of Essex, were able to repeat much of the judge's charge, and their conduct was regulated according to the rules he gave to the jury. The good effects of that trial, have been felt in that county until this time. The traveller there finds an accommodating disposition, but much of this politeness was originally produced by this trial. In all matters of honour judge SEWALL supported the side of good feelings, with the spirit of chivalry. These things are mentioned to show his disposition, and not as proofs of genius or ability in his office, though they might be adduced as evidence of a delicate and elevated mind.

When PARSONS died, SEWALL was made chief justice, and the appointment gave entire satisfaction, but such was his native and unconquerable modesty, that he was constantly contemplating the great talents of his predecessor, and thinking how

hard it was for any one to fill his place, without even glancing in his mind, at his own rare qualifications for the office. SEWALL seemed at all times to feel that, like Hercules, he was bearing up with strained sinews, and with extraordinary exertion a weight which the massy and towering frame of Atlas sustained as a natural burthen.

SEWALL was not only a profound judge, but a popular chief justice in every part of the Commonwealth. His associates in office were anxious for his health, and did all they could to diminish his labours, and to continue his usefulness, but his constitution was impaired by great efforts in the discharge of his duties, and he died suddenly at Wiscasset, when on a circuit, on the eighth day of June, 1814. The gentlemen of the bar as a tribute of respect and affection, erected at that place a monument to his memory.

HOVEY.

"Hard is the scholar's lot, condemned to sail,
Unpatronised o'er life's tempestuous wave;
Clouds blind his sight, nor blows a friendly gale,
To waft him to one port—except the grave."

Penrose.

I WOULD advise those, who love to let their attention dwell only on the great and successful; those who can see nothing worthy of notice in the life of one who was not the favourite of fortune, and whose name is not inscribed on the rolls of fame, to turn at once from the pages which contain a sketch of the character and life of JOSEPH HOVEY. If he proceed he will find nothing here but the "short and simple annals" of a man on whom no "golden shower fell," and who never heard a hosanna from the public voice. Yet it is pleasant to some minds to go from the high places of public life, and look in solitude and retirement, for virtues, talents and acquirements, that have shrunk from the scrutinizing gaze of the world. There is some bravery in venturing to speak of those who

are unknown to most, and some magnanimity in describing those who never dreamed that the world would even devote to them a grave-stone, or make for them an epitaph. To such minds this memorial will be acceptable, and for them it was written.

Joseph Hovey was born in Boxford, in the county of Essex, in the year 1775. His family had been of note in that town, from its earliest settlement. The father of Joseph was a respectable yeoman, but not affluent; he had a large family to support, which he brought up in competency and respectability. Several of his sons were instructed in some good mechanical trade; Joseph was taught that of a clock and watch maker, but as he was from his boyish days very fond of reading, he acquired a taste for classical knowledge, and the first use that he made of his freedom from parental authority, at the age of twenty-one, was to set about devising some means to obtain a liberal education. His reputation for good habits and intelligence induced several who knew him to favour his plan of going to college. After pursuing his studies for some time with the minister of the parish, he went to that excellent institution in Andover, Phillips' Academy. Mark Newman, Esq. was then Principal of that Seminary. This in-

structor had discernment, talents and fine affections, was friendly, kind and attentive to Hovey, and treated him with great delicacy; neglecting nothing in his power to make Hovey's situation as pleasant as possible. But it requires much courage to persevere in a course of studies for a profession, at so late a period of life. The student of advanced years sees children before him in acquirements, and he feels himself thrown back as it were, upon time, and himself a mere boy, while he feels nothing of that unthinking gaiety of youth, which makes existence itself a bliss, but has to suffer all the anxieties of manhood. He finds that while he has the greatest desire of obtaining knowledge, it is difficult to fix his attention on books, for a thousand thoughts of the world obtrude themselves to disturb him. He is dissatisfied with his own progress in learning, because those who are younger advance more rapidly than he does. He takes sprightliness, forwardness and youthful ductility for genius and extraordinary maturity of judgment, he weighs himself unjustly in the balance, and thinks that he is wanting in talents, because he is less buoyant and flexible than younger scholars. His thirst for knowledge is sometimes almost quenched by looking forward and measuring the length of his toilsome march. In viewing

the distance between himself and usefulness, he holds the inverted telescope to his eye, and apparently the object to be obtained is diminished. Often in a desponding mood, he mistakes the fatigues of body and mind for mental imbecility; and if the eternal principle of self-consideration and esteem did not survive to keep him from despair, insanity would be the consequence.

From all this HOVEY suffered as much as man could suffer, but he calmly persevered, and made fair progress in his pursuit, gaining and securing friends every day. In the year 1800 he entered Harvard University, and while there his virtues, his habits and attainments gained for him the respect and confidence of all who knew him; they however were but few, for he was retired and modest, and so easily confused by severity and impudence, that it was difficult to understand his character, or to make a just estimate of his acquirements.

After leaving college, he taught a school for a year or more, and then entered the office of JOHN ABBOTT, Esq. a respectable lawyer of Westford, in the county of Middlesex, but soon removed to Haverhill, in the county of Essex, and pursued his course of legal studies with the Hon. JOHN VARNUM of that place, until he was admitted to the bar

in that county, at the September term, 1808.—Here he opened his office and began his professional life. He was peculiarly fortunate in fixing on this place for his residence as a student, for Mr. VARNUM was not only his legal counsellor and friend, but his liberal creditor. He furnished HOVEY with means of subsistence, in so delicate and kind a manner that every one who saw them together, and did not know their relations to each other, might imagine that the one who bestowed was the one obliged. In fact, this beautiful village was the place of all others the best suited to such a mind. The society there is not large, but genteel and delightful, full of sociability and intelligence. The best people there are refined and affectionate, easy and communicative, and are always unwilling to see shut out of their circle, any one in their neighbourhood, who can add any thing to its life or respectability. In that place there are too many well-bred persons to permit a narrow, exclusive and selfish spirit to take possession of them, and too few to form a fashionable coterie, in which pride, heartlessness, and neglect of merit grows amidst the splendour which encircles it. They perfectly understood HOVEY's virtues and failings; they cherished the former and forgot the latter, and with them he enjoyed as

much as was in his nature, disposition and habits to enjoy.

As a classical scholar, HOVEY's acquirements were very respectable. In Latin and Greek his knowledge was correct. With mathematics and metaphysics he had rather more acquaintance, than men of his advantages generally possess, and he always discovered a fondness for works which required the exercise of the mind; I never knew him leave a book because it was difficult to be understood. His chief delight was in works of eloquence, poetry and able essays; with them he was well acquainted, and he quoted with readiness from the refined productions of the Augustan age, and more particularly from those of the age immediately preceding Augustus. The bursts of eloquence and patriotism from Chatham, and the elaborate and splendid reasonings of Burke, were all in his memory. What Fox, Pitt, Hamilton and Adams had written and spoken, had often been read and admired by him. But the more he read and the better he understood these productions, the less he seemed qualified to speak himself. He felt that with every struggle for eminence he must fall far behind such men, and therefore he would not make the attempt, forgetting that even these great men had to learn, and

made every exertion to improve. The sight of an audience withered all his faculties and dried his brain. An audience was to him a monster, that made his tongue cleave to the roof of his mouth, and in an instant put his imagination into bondage. This diffidence did not particularly arise from respect to his audience, for he had perhaps less regard for public opinion than most men, nor did he think meanly of his own abilities; but whatever may have been the cause, he was spell-bound the moment a number of hearers were collected. He loved poetry, and discovered much taste and discrimination in his criticisms on the works of ancient and modern poets; the plaintive and elegiac he preferred to the sprightly and flowing.

Sometimes he felt the influence of the muses, and produced verses of considerable merit, which were always chaste and delicate, but wanting in force and passion. But this amusement he did not pursue with much industry, for his judgment was so much superior to his inspiration, that he pruned, altered and refined his verses, until they were weak and tame, and he was perfectly dissatisfied with them. In music he was an amateur, and played the flute with some science, and I believe found more consolation from this amusement than from any other; for when he was fretful and

moody, his flute and a little harpsichord were frequently used "to charm away the fiends," and they seldom failed of success.

He dwelt long upon the various denominations of the Christian religion, without making up his mind which was the best. This mode of worship was wrong, because it wanted refinement, and was loved by the vulgar, and that because it was preferred by the aristocratic and wealthy. This had too much laxity in it; that too much bigotry. Of some creeds he admired parts, and disliked other parts, and therefore, was constantly balancing between them. But it is not insinuated, that he ever wavered in his faith in the Christian religion. At length he finally settled in the full belief that the Episcopalian form of worship was right, and having adopted it, he continued stedfast in it to the last.

Although many of his views of society were wrong, yet his observations on characters were generally shrewd, learned and novel, frequently a little tinctured with the corrosive and sickly impressions incident to chafed spirits. It could not be expected, that one who had suffered so much, could be entirely impartial or magnanimous in his opinions. If his remarks were sometimes bitter, he had no permanent malice in his nature. His

sarcasms were only the feverish breath of the moment, and passed away like the vapours of the morning.

From this delineation it will be readily conjectured that he could not do much as a lawyer. He had read with diligence, and was very well acquainted with first principles, but he had no readiness in practice, for he hesitated, reflected and doubted, until his client lost all confidence in his knowledge; yet he was, in truth, a safe counsellor, for he had nothing of the boldness of ignorance, that rashly commences and trusts to accident for ultimate success. Had he acted as well as he reasoned, he would have had much to do, and would seldom have failed in obtaining applause for his talents and correctness of practice. A timid man is apt to communicate his timidity to others, and the bold and presumptuous are not fond of those so little like themselves; they can more easily find excuses for ignorant rashness, that leads to error and failure, than for that timidity and hesitation, that dares risk nothing. The diffident and delicate in the profession of the law have much to suffer. Iron nerves and an undaunted spirit, are as necessary to make a successful lawyer, as knowledge and industry; and all must be combined in the advocate. Hovey was the

most rapturous admirer of intrepidity in a lawyer. He would frequently dwell with delight upon the hardihood of Thurlow and Erskine, but could not in any degree imitate their courage and confidence. Before a justice of the peace he could hardly make a speech of ten minutes in length, however necessary it might be in his business.

His feelings, which were always acute, frequently grew morbid in brooding over the evils he had to bear, or thought he had to bear. A man of taste and refinement, of quick sympathies, and of prolific imagination; he of course was a friend and admirer of the fair, but he never had any partiality for a particular lady, without conjuring up a host of rivals to destroy his hopes. It was not in his disposition to enjoy even a dream of love without the nightmare of jealousy His fancy was forever at work, creating bowers of bliss, but between every osier that he entwined, a satyr threw his hideous glance to disturb the sacred seclusion, and a serpent lurked among the flowers that he strewed around his paradise, to wound the tender foot of the lover with his sting. He was fond of amusement, and was willing to exert himself to promote it; but in the midst of the banquet, he frequently saw a death's head on the table, and if a beauty floated down the

dance with uncommon grace, instantly to his eye a spectre followed, exhibiting every emblem of uncertainty, dissolution, corruption, and all the horrors of the grave, and he would gaze on the "unreal mockery" he had called up, with intensity and fondness. He was not agitated at their appearance, for he knew that his evil genius had created them, and that they were laid at his will.

He did not fear to die, nor did he set much value on life, but he wished to live long, and would frequently calculate his chance for old age, but in this wish he was happily disappointed.

In person he was tall, thin and pale, and was singularly abstemious, fearing that he should grow plethoric by indulgence, while he was wasting away in a settled consumption.

Early in the spring of 1815, his friends were convinced that he could not live long, and he was informed of this opinion, but he did not think his case alarming, until he was scarcely able to walk; but when the certainty of a speedy dissolution was impressed upon his mind, he was not in the slightest degree disturbed, but seemed another being. All the soreness left his heart, all the wounds of his pride were healed. The diseases of the disposition and the fancy, all that ever rankled in his bosom, or embittered his reflections, passed away

and left not a trace behind. A pure serenity of soul—a high and holy feeling, full of philanthropy and devotion, beamed from his sunken eye, and spoke in every aspiration. At this moment all his enmities were forgotten, all his injuries forgiven, and all his friendships glowed with new life. As the hand of death pressed harder upon his brow, hope and joy beamed brighter in his countenance. This illumination was a religious ecstacy, unmingled with regret and undisturbed with doubts or fears. The way to happiness was not covered with clouds or darkness. The track that the gospel had revealed was brighter than noon-day.—The dream of the patriarch was realized in his waking visions, for the Saviour of men had let down the ladder from heaven to earth, and angels ascended and descended to waft his prayers and bring him consolation. Philosophy may produce insensibility or hardihood, but religion alone can take away the sting from death and the victory from the grave.

He died in the summer of 1815, and lies buried in the parish grave-yard of his native town.

WEST.

I RECOLLECT the venerable appearance of BENJAMIN WEST, at the New Hampshire bar, nearly twenty years ago. His bleached hair, his placid countenance, his sweet and fine toned voice made an impression on my youthful mind too deep to be soon forgotten. The judges, the lawyers, the jurymen, spectators and all, seemed to pay him that respect which genius and virtue united only can command. It was a homage which wealth, power, talents or even virtues, could not separately inspire. This good man was then about taking his leave of courts and professional business, for the retirement and contemplations of age. It was at that interesting moment when competition ceases, and envy and ill nature is silent.

When I first thought of making these sketches, my attention was directed to collecting something of WEST; but after making considerable inquiry I could get nothing or but little, of anecdote or incident in his life. To his characteristic talent,

integrity and eloquence, all who knew him could bear witness; but those around him never knew, or had forgotten, the circumstances of his early life. There must be something of biography given in drawing the character of a distinguished man to make it interesting. We must know in what manner he acquired his fame and how and where he exerted his powers, as well as to understand that he possessed them.

I had nearly given up the thought of putting WEST among my sketches, but making one more effort to gain some materials for his life, I called on a nephew of his, a gentleman of Boston, who bears his name, and he kindly put into my hands a memoir of their family dictated by his father, the Rev. SAMUEL WEST, D. D. which contained an account of his brother.

Doctor SAMUEL WEST, who was several years senior to his brother BENJAMIN, was son of the Rev. THOMAS WEST, a clergyman, formerly settled at Rochester, in the county of Plymouth, but SAMUEL was born at Martha's Vineyard, while his father was a teacher of youth at that place, previous to his entering the ministry. SAMUEL was educated at Cambridge University, and soon after leaving college read divinity and was ordained over a parish in Needham, in the county of Mid-

dlesex, but was afterwards installed pastor of the Hollis street society in Boston. He was distinguished for his learning, meekness, piety and liberality of sentiment, and also for his apostolical simplicity and purity of manners. He belonged to that school of divines of which MAYHEW, TUCKER, and SYMES were ornaments. In his old age when his bodily faculties were approaching decrepitude, but while his mind was sound and vigorous, and his heart had no fountain as yet dried up, these memoirs of those near and dear to him were written. At that moment he stood on the confines of both worlds, and saw that the vanities of this were rapidly passing away. All the ambitious feelings of his nature, if he ever had any, were dead. This account flows with such simplicity, honesty, refinement and affection, that after mature deliberation I have given it entire. I had drawn, what I thought a fair likeness of WEST from these documents, but on looking it over I felt guilty of a sort of profanation, and threw it aside. The sweet flowers scattered through this memoir, which grew from brotherly love, were chilled and destroyed by a stranger's hand.

The influence of the ties of consanguinity upon the narrative, and the charms of friendship and affection so delicately flowing through it,

"Like the sweet south,
That breathes upon a bank of violets,
Stealing, and giving odour,"

fled as the connexion between the historian and the subject was changed, and the bond between the brothers was broken.

The reader will see in this account which the elder brother gives of the younger, some few references to what has been said before of some other members of the family, but I have preserved the sentences as I found them, as I thought this occasional allusion to others would not obscure the meaning of a single passage, nor mislead any one however ignorant of what might have been previously stated.

"The 10th child and 6th son of my parents was a second BENJAMIN. It appears from their giving him this name, that my parents felt nothing of that foolish superstition, which leads some people to suppose that calling a second child by the name of one deceased, is inauspicious, and implies that the last must soon become the victim of death. How much would it lessen the miseries of mankind if numberless chimeras of this kind could be banished from their minds, and they could be convinced that nothing could essentially injure them, but deviations from the path of rectitude, or disobedience

to the will and order of that great and good Being who upholds and governs all things. My brother was born April 8th, 1746, just at the close of that distressing affliction with which the family had been exercised through the whole of the preceding winter, in the extreme sickness of nearly every member, and the death of one of their number, as already related. Whether this circumstance, or the extreme anxiety of the mother previous to his birth, had any influence on the temper and disposition of her child, is a curious and not uninteresting question. The fact is, that my brother, from his earliest years, discovered a disposition uncommonly sedate, serious and contemplative. He never appeared, even in childhood, to feel that fondness for childish diversions which is usual at that period. It was the same when he had advanced to the second stage in the journey of life. He discovered as little relish for the common amusements of youth, as he had done for those of the child. As I believe is generally the case with persons of his sedate temper: his social affections and attachments were remarkably strong, and for the same reason his dislikes were proportionally in the extreme. This trait of character has followed him through life, and few men are more liable to prejudices, either for or against individual

persons or characters. This, I trust, he has in some measure corrected by the influence of that moral principle by which he has endeavoured to govern both his temper and conduct. But how difficult it is to counteract the natural tendency of the heart, especially in cases where virtue itself will seem to justify its indulgence! I have already mentioned the predilections which often take place in large families, and instanced in one which took place between myself and an elder brother, to whom I looked up as to the patron of my childhood and youth. In the present instance, there was a similar predilection, but it was reversed. I was now become the patron, and my brother always expressed, and appeared to feel the strongest attachment to me, as I did the most sincere and ardent affection for him. This mutual regard for each other commenced in his infancy; it grew with our growth, and strengthened with our strength, and has never, in a single instance, been interrupted, for more than sixty years. It is, instead of being lessened, confirmed by age, and can never end but with our existence. In the year 1763, Providence deprived us of our amiable, pious, and affectionate mother. On which occasion my brother discovered at once the sedateness of his temper, and the strength of filial affection.

His grief could only be discovered from the sadness, or rather the sedateness of his countenance. He was profoundly silent under this painful affliction; yet his grief was so deep and so lasting, that for years after the event, if at any time he was by company and conversation induced to indulge in the most innocent hilarity, it was immediately checked by the recurrence of this painful circumstance, and appeared to him a kind of profanation of that memory, which he held as sacred. It is a common observation, which has been often verified by my experience, that silent sorrow is, in the general, much more deep and lasting, than that which is noisy and tumultuous.

The pecuniary circumstances of my father were, as has already been observed, extremely straitened. When I left college, he had contracted for him, whose income was so very small, an heavy debt, which he could not discharge without my assistance. This assistance I was enabled to afford by my settlement received from my parish, which was £133 6*s*. 8*d*.; one half of which went to discharge the debts which had been contracted chiefly on my account, and the other half I as cheerfully devoted to assist in the education of my brother. He was accordingly put upon the study of the languages, under the tuition of our father,

and as he was considerably advanced in years, after studying a few months, understanding that young men were admitted into Nassau college, who, although not properly fitted to take their standing with their class, were allowed by attending the school connected with the college, to try whether they could not, in the course of a few months, so far gain upon their class, as to be properly admitted to their standing in it. My brother was admitted on this ground—soon made good his standing, and took his place accordingly. He continued at Nassau Hall but one year, in which time he acquired some reputation as a scholar, although his studies were interrupted by his having the small-pox by inoculation during this period. For greater convenience of communication with his friends he then removed to Harvard college, in Cambridge, where he finished his academical education, and was admitted to his first degree, July, 1768. He left college with a good character, which is of great importance, especially to those who are poor, and must make their living by their own exertions. If it is true, as has been often said, "that time is money," it is equally true, that a good character is better than money. It will procure for us many advantages which money cannot purchase. Happy would it be for

young persons if this was more generally attended to. Every one might in that case possess a fortune, of which nothing but his own folly could deprive him.

On his leaving college, my brother immediately took a private school in the town of Worcester, in which he continued for two years; at the end of which, he commenced the study of divinity with me at Needham, and became a public professor of christianity, by joining the church in that town. He was educated with a view to the ministry, and directed his studies accordingly, but never appeared to be pleased with the profession, as it required so much public exhibition, to which his natural reserve was exceedingly opposed. He however complied with the wishes of his friends so far as to pursue the study, and in January, 1771, began to preach in a vacant parish in Wrentham, and met with good acceptance, but found it so painful, and attended with such injury to his health, that after eight sabbaths he was obliged to relinquish it. He was now in a most painful situation—he had no means to support him, either in the study of the law, or of physic; and for the same reason, he could not enter on any mercantile business. After consuming some extremely gloomy weeks at my house, reflecting on the subject, he finally con-

cluded to seek his fortune on the ocean. This result was the effect of a kind of desperation; for it is hardly possible for any man to be less qualified for it than he was; his education, habits, and disposition were such, as led to a retired, still, and quiet mode of life. But, chimerical as it was, he pursued it so far, as partially to engage himself for a voyage as a fore-mast hand. During this time he carefully avoided all his old acquaintance. But accidentally meeting with Mr. Andrew Henshaw in this town, who had been both his class and chamber-mate at college, and who had a warm affection for him, he found it impossible to escape from him until he had given him some general information with respect to his views and designs. Mr. Henshaw was exceedingly interested in the business, and prevailed on my brother to dine with him at his father's. Old Mr. Henshaw was a good man, and entered warmly into the views of his son, and both together prevailed on my brother to relinquish his design of going to sea, with the prospect of admission into an office for the study of the law, where he would have it in his power to support himself by instructing two or three children in a private family, and to which birth Mr. Henshaw engaged to facilitate his admission. In prosecution of this plan, young Mr. Henshaw brought him

back to my house, much to the alleviation of my anxiety on his account. In a short time after I carried him to Worcester, from whence in a few days he repaired to Lancaster, where he commenced his clerkship in the office of Abel Willard, Esq. a worthy, good man, who treated him with the greatest kindness and generosity. I cannot but notice here, what little incidents often determine the fortunes of men, and give direction to all the after events of their lives. My brother's not becoming a sailor, in consequence of which he would probably have been lost both to himself and to his friends, was prevented by his accidentally meeting with Mr. Henshaw, whom he had cautiously avoided. Here, as in every thing, indeed, we are to recognize the hand of that infinitely wise and good Providence, which by a secret, but unerring agency, directs every thing for the accomplishment of his own parental purposes, in promoting the happiness of his creatures. We have nothing to do but to follow the leadings of his Providence, by obeying the dictates of conscience in every situation, and he will assuredly conduct us in the peaceful paths of virtue, to the possession of all that happiness of which our natures are capable.

After spending the usual time in an office, my brother, understanding that there was an opening

where an attorney might probably find business, in the town of Charlestown, N. H. he visited that town, and was kindly received by a Mr. Olcott, who had already established himself as an attorney in the place, but very generously offered to receive my brother into a kind of partnership in the business. He accordingly fixed himself there, and in July, 1773, was admitted as an attorney of the court of common pleas. But the revolutionary war coming on, soon interrupted, and at length completely suspended his business in the practice of the law. Meeting, in Boston, with a very inviting offer to visit South Carolina, he was induced to accept it, as the war had not as yet extended to that part of the continent, he hoped to escape its tumults, see a considerable part of the country, and hereafter return in peace to his situation in Charlestown, for which he now felt a very great predilection. In pursuance of this design, he left Charlestown, New Hampshire, October, 1777, and arrived at Charleston, South Carolina, December 14th, and took up his residence in the very agreeable family of a Mr. Gibbs, a rich planter in that state, as private tutor to his children."

Here follow in the memoir several letters written by BENJAMIN while at Charleston, South Carolina, giving a very pleasant, and a very minute account

of his journey on horseback from Boston. These letters make a considerable history of the soil, climate, manners, habits and productions of the several states through which he passed. I have no doubt but that these letters contained more information on these subjects than could readily be found in any other work of that day. He was a little inclined to be satirical, and saw with northern eyes the people of the south, and although he was a very shrewd young man he had not at that time seen enough of the world to be just in comparing the benefits and advantages of these different sections of the country with his own. His picture of the country, of their morals and manners, was no doubt a pretty fair and faithful one for the period in which it was drawn, yet as that was a time of war and distress, when every thing put on its worst form, it would hardly be generous to exhibit it for their present likeness. His stay at the south was not very long, for the first letter he wrote was dated January 30, 1778, and his last July 22, 1779. Two days after this date he left Charleston for the north.

"In his endeavours to escape from the tumults of war, my brother was sadly disappointed; it soon followed him to that quarter. In consequence of which he became one of about sixty or seventy

young gentlemen of that place to form a company of light-horse, whose duty it was to watch the motions of the enemy, and by giving timely information, to prevent a surprise. Our young soldiers were found useful, and might have been very safe, had they not been betrayed by one of their own company, who deserted in the night, informed the enemy of their situation, and conducted them to the house in which they were quartered. The night was dark, the house was surrounded, and they were taken by surprise, and surrendered prisoners of war, without attempting any opposition, which, in their situation, would have been the height of folly. It must have proved fatal to themselves, without producing any advantage to their country. The wretch who betrayed them must have been an object of contempt even to those in whose favour the treachery was perpetrated. It is a just remark, that although treachery may be approved, the traitor is always despised; honesty in, and fidelity to our engagements, are such interesting virtues, as that their opposites must always excite the indignation of mankind. My brother continued a prisoner but about six weeks, was treated with humanity and politeness, and was then exchanged. The principal mortification which he suffered on this occasion was the loss of

the very fine horse which he mentions in his letters with so much affection, and being obliged to witness the cruel manner in which Jack was abused, and even worked to death by the British.

His poverty secured him against any considerable pecuniary loss, although, as it might be said of him *omnia mea mecum porto*, so the loss of his horse and his apparel, was in fact, losing his all. As he went out, so he must return, poor. But the virtuous man is never destitute of that support which virtue alone can furnish, and of which no untoward events can deprive him. You have found by reading his letters, that the warm climate of South Carolina did not at all agree with my brother's constitution. It appears from his letters that his mode of living was at once rigidly abstemious and regular. Perhaps a little more freedom might have conduced to his health, but he certainly chose the safest extreme on the whole. I had, both from himself and others, repeated accounts of his sickness, and at length received an account of his death. It was what I had been expecting, and was therefore in a measure prepared for. I did not indeed at first give credit to the report, but after some months had elapsed, and I had gained no intelligence to the contrary, I was led to suppose that it must be true. I suffered therefore all

the painful impressions of such an event, and every one who has read these memoirs must be convinced that it was no common degree of affliction which I felt on the occasion. Nor was I relieved from it until his return, and ocular demonstration of his being alive. I was sitting in my parlour, intensely engaged in reading, when my brother opened the door and entered. I had only the power to utter a kind of involuntary exclamation—my brother! Nor was it until I had held him some time by the hand, that I could either speak to him, or satisfy myself that it was not a vision, rather than a reality. After some time, the minds of both returned to their usual calmness, our brotherly affections flowed in their former channels, and we enjoyed each other's company with an increased relish. He then informed me that he left Charleston, South Carolina, July 24th, 1779, designed for Philadelphia by water—that he was then very sick—that they met with bad weather—were dismasted, and obliged to put into Wilmington to refit, and in short, that after many untoward events, and suffering much from sickness and other circumstances, he arrived at Philadelphia, August 13th, 1779, and at Charlestown, New Hampshire, the 31st of the same month—was kindly received by his old friend Mr. Olcott, and again commenc-

ed business in that county, where he was admitted as an attorney at the Supreme Court, October, 1780.

Considering the confused state of the country at that time, he obtained both reputation and employment beyond what could have been reasonably expected. Fidelity to his clients, attention to and perseverance in his business, had the effect which they always will and must have with all considerate and reflecting people. He secured the esteem and confidence of his fellow creatures. Encouraged by these circumstances, January 8th, 1781, he ventured to marry the lady with whom he had for many years been connected by the most sincere and ardent mutual affection, viz. Miss MARY, the eldest daughter of the Rev. Mr. MACCARTY, of Worcester. Disposed and qualified as he was for domestic life and its quiet enjoyments, he had never, until this time, been in a situation in which prudence would have justified him in complying with his inclinations; and he was too much the man of principle to admit of his involving the object of his affections in those embarrassments and perplexities which had hitherto attended his situation. It would be happy for many married people, had they acted with the same caution. It is our duty indeed to repose confidence in Provi-

dence; but this very confidence can only be supported by a consciousness that we have acted with prudence and according to the dictates of our understanding. The contrary would be presumption. In order to guard against exciting the envy of his neighbours, and lest they should be led to suppose that he obtained property faster than he actually did, he commenced house-keeping in a style as ordinary as was consistent with either decency or comfort, and was careful by no means to assume any degree of superiority over his neighbours. But even this caution did not secure him against that "spirit in man which lusteth to envy." For in October, 1783, his office was broken open in the night and robbed of property to a very large amount, chiefly in specialties which were committed to him for collection, and for which he was responsible. This was a heavy stroke. But he bore it with the same equal and undisturbed temper which he had discovered on every former occasion. Instead of using any exertions to detect the culprit, he adopted the policy of remaining perfectly quiet. The consequence justified his conduct and produced the effect which he expected. For in a short time after, the most valuable of these papers were returned in the same private manner in which they had been taken away, and

he was given to understand that it was the effect of his silence and moderation on the occasion. He did indeed suspect a particular person as being the author of this villany, and might possibly have convicted him, but the certain consequence would have been, the destruction of the papers and the inveterate hatred of the man and of all who were connected with him. His loss, after all, was considerable, but nothing like what it threatened at first. He soon rose superior to it, and went on in his business with increasing advantage, and might have acquired a large estate in a few years, had he pursued the measures, and taken advantage of the circumstances, of which many of his profession avail themselves, for that purpose. But there are two very remarkable traits in my brother's character, in which he appears almost to contradict nature's strongest tendency, viz. his fixed determination neither to accumulate great wealth, nor to accept those offices of honour and distinction which mankind in general so zealously covet and pursue. His sincerity in this decision against wealth and honour is sufficiently evident to those who have been intimate with him, and have had opportunity to mark his conduct from early life. He not only refused to improve many offers which have been urged upon him in the line of his profession, and

a compliance with which would neither have been inconsistent with honour or honesty; but, as he acquired property, he took care to improve it in acts of liberality to his friends and neighbours, leaving no more than a moderate competency for himself. This is the more extraordinary, as it has been often, and I believe justly observed, that men who have no children are generally more avaricious than those who have. The reason given for it is, that our social affections either call off our attention from mere worldly interests, or lead us to consider it as good in no other view than as furnishing the means of promoting the comfort and happiness of those who are nearest and dearest to our hearts. To this we may add the influence of habit. The man who has a family of children depending upon him, is in the habit of dealing out his property for their subsistence and comfort; the man who has not this call upon his income, as naturally conveys his gains to his chest, hence the one becomes liberal, and the other a miser, from habit. Besides, the man who has children, considers them as a kind of security for his support and comfort in old age. He who has not, views his property as the only ground on which he can rest secure. With that he is sure he can purchase at least a mercenary attendance when age and in-

firmities shall render it necessary. The man who rises above all these seducing motives to avarice, is surely worthy of double honour. Of this superiority to circumstances, I think I may say without prejudice in his favour, that my brother affords a striking example. For I never have known the man who, according to his means, has been more liberal, or done more to promote the comfort and happiness of those around him, whether relations or others. As evidence of his not coveting, but even feeling an aversion to public office, it is sufficient to mention the numerous appointments which he has received from the State to which he belongs, and his uniform refusal to accept them. He was chosen a member of Congress, under the old or first confederation—a member of the Convention which formed the present Constitution—and of the State Convention which ratified that Constitution—and of the first Congress after it was put into operation. He was appointed Attorney-General and Judge of Probate, all which, against, in many instances, the urgent entreaties of his friends, and so as sometimes to excite their resentment at his obstinacy, he resolutely declined. This can be accounted for on no other principle than that which has been repeatedly mentioned; his extreme aversion to public life, and equal fond-

ness for domestic peace; the enjoyment of which appears to have been his first object through every stage of life. His conduct, although a mystery to others, is none to those who are intimate with him and can enter into his feelings. It produced the effect which might be supposed, and which indeed it was designed to produce. When men are disposed to forsake the world and refuse its honours, on which men set so high a value, they are taken at their word, and are forsaken by the world. My brother will therefore in future be left to enjoy his domestic repose, unmolested by solicitations to public office; and there are few men either better qualified or better accommodated to enjoy "*otium cum dignitate*," than he is. He possesses all the means of happiness so far as is compatible with the imperfection of the present state, and a mind disposed suitably to appreciate and improve them. After all, happiness is a mental quality; of which, those who possess the greatest means, do not always enjoy the greatest share. We may be deprived of it, and rendered extremely miserable, without any fault of our own, by some of those mental derangements, which, as they arise from disorders of the body, it is not in the power of the strongest mind to control. If then we possess a tranquil, quiet and happy temper of mind, let us

piously impute it to the distinguishing goodness of that wise, paternal Being who regulates the motion of every fibre of our frames, and will finally attune them to sing his praise from a consciousness of our own happiness.

From the very great aversion which he felt to public business, and wish for a more still and quiet life, than consisted with his attending on courts and the practice of law, he was, in the year 1796, induced to give up his business, although at that time exceedingly lucrative. As he supposed himself possessed of a moderate competency, which bounded his wishes with respect to property, this was to him an easy sacrifice, and was agreeable to his uniform declaration, "that he never would be rich." But some untoward circumstances which took place at this time, rendered it necessary for him to resume his business, at least for a few years longer. He did so accordingly the following year, and continued to pursue it until 1805, when he gave it up, and I believe finally took his leave of the court, with which he had been intimately connected for more than 30 years; and for many of the members of which he entertained a sincere affection. The parting, as he observed to me, was attended with some degree of painful regret. It is disagreeable, it is painful, to relinquish long

established habits, or to break connexions which have been confirmed by many years intercourse; although there may be some circumstances attending those habits and connexions which are not perfectly pleasing. But this sacrifice was necessary to the accomplishment of his great object as already mentioned, and has, I trust, effectually removed every obstacle to the peace and quiet of the evening of life on which he has now entered.

August 23d, 1803, he was deprived by her death of the object of his early affections—the wife, endeared to him from the many amiable qualities which she possessed, and from the many years which they had spent together, in the most interesting and endearing of all relations. For eight or nine years previous to her death, she had been afflicted with a paralysis, which, from its commencement, rendered her, in a great measure, helpless; and for some years before her death, reduced her to a state of infantile weakness, both in body and mind. Thus the object which used to be the most pleasing to him, must be viewed with the most painful impressions. The case was hopeless, and the affliction could only be alleviated by great submission to an all-disposing Providence; and no man could submit to a dispensation in its nature so distressing, with greater apparent

propriety, than the afflicted husband. He was himself her companion and nurse; his affection seemed to increase with the increase of her disorder, and his time and attention were, in a great measure, devoted to relieve her distress, so far as it was capable of relief, from the assiduous, kind and affectionate attentions of friendship. But alas! how little can the warmest affections do in many cases of this kind towards relieving the sufferings of those who are dearest to our hearts, and whose sufferings affect us more painfully than they would even if endured in our own persons. An observation which my brother made to me when conversing on this subject I think worth recording, as it is proper that every person that sustains social relations—which is the case with all in a nearer or more remote sense—should have it much in mind, viz. that for our own sake, as well as theirs, we should be careful to discharge every kind office towards our friends; as the recollection of our conduct in this respect must produce either exquisite pleasure, or pain in our own breasts, when a separation has taken place. No man I believe has a better claim to consolation from this source than the subject of this memoir, as no man could be more affectionately attentive than he was to his departed companion. He bore this, as he had every

former affliction, with a calm and steady mind, although affected, he was a silent, not a complaining mourner. For about three years he continued single; a considerable part of which time he consumed in visiting his friends in different parts of the country, and I was in particular, indulged with more of his company than I had enjoyed for some preceding years, and during this time I also made him a visit, and spent five or six weeks very agreeably at his house, although my extreme indisposition was a great drawback on every social enjoyment. With peace of mind, and patient submission to the order of Providence, even the sick man may be said to enjoy himself; but it is rather consolation under suffering, than positive good, which he enjoys; even this is a great acquisition, for which I owe my grateful acknowledgments to the Author of all good. My brother was far from being happy in a single state. In a country village there could be but few with whom he could associate with pleasure; and had it been otherwise, his chief enjoyment, from constitution and habit, had been in retirement at home; to render this complete, he needed, and has, I trust, at length found an agreeable companion. September 3d, 1806, he was married to a lady by the name of Gordon, the widow of William Gordon, Esq.

and daughter of a Mr. Atherton, of Amherst, New Hampshire. I have never as yet had the pleasure of seeing this lady, but if I may credit universal report, she is well qualified, uncommonly so, for all the endearments of domestic life, and to render the married state as happy as is compatible with that imperfection, which more or less cleaves to, and is inseparable from every thing, every person, and every condition in the present world.

Thus have I endeavoured to recollect, and set down what appeared to me most interesting, either in the character of this worthy brother, or the events of his life. I hope he will himself give them more at length. The probability is, that his life from this time will be very uniform, and attended with but few changes. It can hardly change for the better, and I cannot form a more benevolent prayer for these good relatives, than that they may be indulged with the enjoyment of their present happiness for many years, and that it shall terminate only with the joys of heaven."

After this memoir was written BENJAMIN lived at his beautiful and rural seat in Charlestown, New Hampshire, until the 27th of July, 1817, when he died. SAMUEL died more than nine years before, April 10, 1808.

There is something sacred in those hours which a wise man devotes to prepare himself for eternity, —his wishes bounded, his business with his fellow men all adjusted, he is then ready to walk with God in the cool of the day, the heat and burthen of it being over. The setting sun of life shines milder as it goes down, and the coming night of the grave loses all its horrors from that strong faith which looks beyond it.

THE COOKES.

THE history of the two ELISHA COOKES, is interwoven with that of the colony at the period in which they lived. ELISHA, "The father," early in life took a deep interest in public affairs, and at the time of the charter dispute in 1680, was the leader of the popular party in the General Court. They were opposed to sending agents to England, to submitting to acts of trade, and were for adhering to the old charter, according to its practical construction. "The ill-concealed joy," of the people of Massachusetts at the fate of Charles I. was not forgotten by his son, and in 1676 EDWARD RANDOLPH was sent over with "Enquiries" concerning the state of the colonies. This man was an active and implacable enemy of New England. In February, 1681, he exhibited to the lords of the council, articles of "high misdemeanor against a faction of the General Court," among whom was ELISHA COOKE. In May, 1681, in a letter to the bishop of London, he says "If commanded, I will readily pass the seas to attend

at Whitehall, especially if DANFORTH, GOOKINS and NOWELL, magistrates, and COOKE, HUTCHINSON and FISHER, members of their late General Court, be sent for to appear before his majesty." In 1682 he wrote to the earl of CLARENDON—"His majesty's *quo warranto* against their charter, and sending for THOMAS DANFORTH, SAMUEL NOWELL, a late factious preacher, and now a magistrate, and DANIEL FISHER and ELISHA COOKE, deputies, to attend and answer the articles of high misdemeanors, I have now exhibited against them, will make the whole faction tremble." The misrepresentations of RANDOLPH, aided by others—for the colony had its enemies from the beginning—made such impression, that the agents considered the situation of Massachusetts as desperate. It now became a question whether it was advisable to submit and surrender the charter at once, or to refuse, and suffer a *quo warranto* to issue against them. Many colonies and city corporations had submitted. The principal clergymen were consulted according to ancient usage, and their opinions were against submission. The clergy in New England, commonly called ministers, were always the firm supporters of the rights of the colony against the arbitrary claims of the mother country. The General Court resolved not to surrender,

thinking it better "to die by the hands of others than their own," and the agents were instructed "to make no concessions of any privileges conferred upon the colony by the charter." Upon receiving this resolution of the General Court, a *quo warranto* was issued, and sent over by RANDOLPH, the evil genius of Massachusetts, and at the same time it was declared by the king, that if the colony before prosecution would make full submission and entire resignation to his pleasure, no further alterations should be made in the charter, than should be necessary for the support of his government. The Governor and majority of assistants, despairing of a successful defence, passed a vote of submission. This was acted upon by the House as follows:—.

"Nov. 30, 1683, The Deputies consent not, but adhere to their former bills.

WILLIAM TORREY, *Clerk.*

The issue is well known, judgment was obtained against the colony, and the charter decreed to be forfeited. In all these measures COOKE took a leading part. In 1685 and 1686 he was chosen assistant in the place of one who had voted for submission.

The government being now dissolved, a commission was sent to JOSEPH DUDLEY, as president,

and several others as his council. The General Court unanimously refused to assent. The government was conducted principally according to the usages of the colony under the old charter, until the arrival of the arbitrary ANDROSS, in 1686. His conduct went far towards justifying the jealousy which the people had entertained of their charter rights. James II. who appointed him, vested him and his council with all powers executive and legislative. RANDOLPH was prime minister, licenser of the press, secretary, &c. They laid what taxes they pleased, and punished with severity such as refused obedience, and this was *then* complained of by the people as their greatest grievance. "They thought themselves entitled to the liberties and immunities of free and natural born English subjects, and that consequently, no money ought to be raised from them but by their representatives." He declared all titles to estates to be forfeited, and that the soil had reverted to the crown.

This people, hitherto free, were now subjected to the rigour of despotism. They were told by judges on the bench, that the only privilege left them, "was not be sold as slaves, and that the benefit of the laws of England did not follow them to the ends of the earth." (Minot's Hist. 55.)

The utmost alarm was excited, and Mr. INCREASE MATHER departed secretly, to represent their grievances to the king—but all exertions were in vain. Opposition by force would have been hopeless, but there was universal restlessness and indignation among the people. The smothered flame was silently spreading, and gaining strength, when upon a *rumour* of the landing of the Prince of Orange it burst forth—the Governor with the most active of his council, and other obnoxious persons were seized, and the old magistrates restored. This is one of the most remarkable events in our history. It was a bold, and perhaps rash attempt, and shews how much our ancestors could hazard in the cause of liberty. Had the news proved false, or the revolution in England failed of success, it would have been fatal to the principal persons engaged, among whom was COOKE. But they felt that they were oppressed, and did not deliberate cooly upon the danger of their undertaking—this might have prevented the attempt, as it would perhaps that of their descendants in 1775.

COOKE, with the aged Gov. BRADSTREET—whom it was thought prudent to place at their head—and others, demanded "the surrender of the government and the fortifications," which was complied

with. A provisional government was then established, which continued until certain information was received of the revolution in England, when the government went into operation as under the old charter. Sir EDMUND ANDROSS and the others who had been confined were ordered to England, and the General Court resolved to send over two additional agents to support the charges against them, and to solicit the restoration of the charter. COOKE and THOMAS OAKES were chosen, both of them assistants. Hutchinson (1 vol. p. 349) says, "Mr. COOKE had always stiffly adhered to the old charter, and when all the rest of the assistants declined reassuming it, he alone was in favour of it."

We shall see that he preserved his consistency in his adherence to the old charter. They were instructed "to solicit in parliament, or elsewhere, the confirmation of their ancient charter, and all its rights and privileges, civil and sacred."

The charges against ANDROSS were brought before the privy council, but were soon dismissed, owing to some disagreement among the agents, and to the course recommended by their counsel. Nor were they successful in the principal object of their mission, the restoration of the old charter. When it was found impossible to obtain this, the other agents (Sir H. ASHHURST, MATHER and OAKES)

petitioned for a new one, but COOKE refused. Even in the presence of the king, when a new one was proposed, his brief and energetic reply was, "May it please your majesty—the old charter or none." When the new charter was first presented to them, Mr. MATHER declared that he would rather part with his life than consent to it. They remonstrated—but in vain. The only question then was, whether they would submit to the new settlement, or have no charter. COOKE continued firm to his principles—"The old charter or none." He claimed it as a right; that it had been unjustly taken away, and ought to be restored. He did not act with the other agents in any measures for obtaining a new charter, but refused to accept it. Sir WILLIAM PHIPPS, who was appointed governor, brought it over, it was accepted by the General Court, and went quietly into operation. The *old charter* party continued many years, but gradually disappeared, as the people became accustomed to the new.

COOKE was left out of the Council named in the charter, but was chosen at the first election under it, 1693; a proof of the approbation, by the General Court, of his conduct in England. He was however rejected by governor PHIPPS, because he had opposed his appointment. Hutchinson says

"the rejection was impolitic, because he was in real esteem with the people,"[1] and that "it made him many enemies even among those who had not opposed the acceptance of the new charter."

Upon the removal of governor PHIPPS in 1694, the election of COOKE to the Council was approved by the Lieut. Gov. STOUGHTON, and he continued there during the four years of his administration, and also during the administration of the earl of BELLAMONT, with whom he had corresponded before his arrival in Massachusetts.

Governor DUDLEY had not forgotten that COOKE was one of those who committed him to prison with ANDROSS, fifteen years before, and he struck his name from the list of the council. Hutchinson says—

"With governor DUDLEY began the memorable controversy concerning *fixed salaries*. It was unfortunate, that the subject was introduced by him, as the prejudices against him were great. He had been president of the Council under ANDROSS, and one of his principal advisers. He had been opposed to the restoration of the old charter, and was generally considered as an enemy even to the privileges of the new. The people were not disposed to establish an honourable salary for him. COOKE was the leader of the opposition, and the governor

persisted in negativing him until 1715, when he was expecting his removal from office. Doctor COOKE died the same year, October 31st, aged seventy-eight.

He was respected as a physician, but most remarkable in his political character, having been more than forty years in places of public trust, and always firm and steady in his principles. He was a singular instance of a popular leader preserving his influence with the people, without diminution. He was always a favourite, and perhaps because he was never a demagogue. Popularity was not his object. He was firm, honest, and consistent in his principles and conduct, and that popularity which he never run after, followed him.

ELISHA, the son, also a physician, was an influential member of the House, before the death of his father. In 1711, the Province was in great agitation from the state of the currency. Various projects were formed for relief, among others a private bank, at the head of which was COOKE. The plan was to form an association, which should issue bills, for the payment of which real estate was to be pledged as security. Political economy was not then known as a science, and the system of banking but little understood.

The controversy in which the father had passed his days was inherited by the son. Gov. SHUTE was the object of his hostility as DUDLEY had been of his father. SHUTE found COOKE in the Council. The expression of some opinions—for he was a fair and open enemy—soon gave offence to the Governor, who procured his removal from the office of Clerk of the Supreme Court. A contest arose about the same time between the king's surveyor and the inhabitants of Maine, concerning the property in white pine trees, in which COOKE took a part, published a pamphlet, and sent a memorial to the General Court. The surveyor also sent his memorial. COOKE had great influence in the House, and this dispute was the beginning of the public controversy, which continued until the end of SHUTE's administration;—parties were formed, new subjects of contention arose, until at length he was obliged to withdraw from the Province. At the next election of the Council, the governor rejected COOKE—the House took his part warmly, and condemned the proceedings of the surveyor. In 1719, such was the contention between the governor and the House, that he dissolved the Assembly.

Gov. HUTCHINSON says that the contests and dissentions were greater in 1720, than they had

been since the religious feuds of 1636. COOKE was chosen speaker—the governor negatived him and requested the House to reconsider the subject and elect another person, and after debate the House voted unanimously to adhere to their first election. Several messages passed between them, and the governor again dissolved the House. A new Assembly was called, and it being necessary to proceed with the public business, the House, —with an express reservation of right—chose TIMOTHY LINDALL of Salem, speaker, a man of the same party, but not so obnoxious to the governor as COOKE.

The controversy concerning the governor's salary was also continued. The grants had been made semi-annually, but they were now not only reduced in amount, but delayed beyond the usual time. Instead of an established salary of £1000, which he was instructed to demand, he was reduced to less than £100, and that depending on occasional grants. But it is not necessary to enlarge on this most memorable and unhappy contest, which became open and general. Whatever the Governor recommended the House disregarded; frequent communications were made from one to the other, but the difficulty increased, until the governor withdrew from the Province in Dec. 1722.

The controversy was not perhaps strictly justifiable on the part of the House, at least in the extent to which it was carried, but it was commenced by SHUTE, in his negativing COOKE's election to the Council, and as speaker from personal prejudice.

Articles of complaint were exhibited by governor SHUTE against the House for encroaching on his Majesty's prerogative, in seven instances.—After much altercation between the Council and the House, is was agreed to send over an agent, and Dr. COOKE was chosen by joint vote. Soon after his arrival in England, SHUTE exhibited another memorial, complaining among other things, of their choosing him as agent, "who had been at the head of all the measures complained of in the first memorial." Nor did the Council escape his censure for consenting to choose the agent by joint ballot, "in which mode they must have known Mr. COOKE would be chosen." Divers hearings were had, but the decision was unfavourable to the House, and ended in the explanatory charter of 1724, declaring the right of the governor to negative the speaker, and limiting the power of the House to adjourn themselves, to two days.

The House approved of Mr. C's. conduct, though unsuccessful, and again chose him into the

Council. The pacific Lieut. Gov. DUMMER approved of the choice.

It is not surprising that COOKE and his associates, after experiencing the ill success of the controversy with SHUTE, should have been desirous of more tranquillity under his successor. Gov. BURNET resided at his house on his first arrival, and the commencement of his administration seemed auspicious, but in his first speech, the governor began upon the subject of a fixed salary. The contest was again renewed—its character was changed—it became less personal and more argumentative, and was conducted with great spirit and ability on both sides. On the part of the House it was principally managed by COOKE.—The governor tried the expedient of removing the General Court to Salem, but it only increased the difficulty by adding another subject of contention. Gov. BURNET died in 1729.

Gov. BELCHER who succeeded to the chair, had once been on the prerogative side, but had recently been in favour with the Province. Both parties were now wearied with the long continued controversy, and endeavoured to devise some plan of conciliation. For this purpose COOKE drew a bill granting £1000, and urging for special reasons that it should be continued during his administra-

tion, and providing that it should not be pleaded as a precedent; it was approved by the governor, but did not pass into a law. This was the first event in his life which had even the appearance of inconsistency, or lessened the confidence of the people in him. They are always ready to take the alarm, and become jealous of their favourites, but the father and son had preserved the popular favour more than sixty years. Now he was accused of seeking the good opinion of the governor, and obtained his election as representative by a majority of one or two votes only.

The governor despairing of obtaining a fixed salary, at length, in 1733, procured his majesty's permission to receive such grants as should be made—and thus ended that great controversy, the most memorable and interesting in our colonial history. It had continued nearly half a century, and been maintained with unyielding constancy by the Province, against the instructions of the king. These events are regarded by many with little interest, as the passing affairs of a little colony, at a remote period, without perceiving their bearing on the present state of the country. But their influence upon the revolution was very important, as the people were in this way accustomed to support their rights, however unequal the contest, and be-

came trained for the great controversies that succeeded. The refusal to grant a fixed salary was supported by many of the arguments, which were afterwards used against the right of taxing the colonies. These early contests were the germ of the revolution. The character of the people was formed—they were disciplined to a love of liberty, and resistance to encroachments on their rights and privileges. In the old charter disputes, we see the same spirit, which afterwards hazarded all for charter privileges in 1775. While then we value our civil liberty, and our independence, we should hold in grateful remembrance the early patriots of our country—such men as the first Cooke, who would have this infant colony make "no concession of any privileges conferred by the charter," and who would say, even in the royal presence, "the old charter, or none!" Had he taken counsel of prudence only—perhaps even of good policy, he would have yielded; but who does not admire that adherence to truth and justice, "leaving the event to Providence?" It is not easy to foresee the consequences of yielding a principle. Had our ancestors conceded in the early contests with the crown, it is not probable they would have resisted the moderate taxes which were afterwards laid, and which seemed for the

purpose of establishing a precedent, rather than raising a revenue.

The discriminating ELIOT, in his Biographical Dictionary, remarks, that "Hutchinson, though the great friend to DUDLEY, BURNET, and other governors on the side of prerogative, uniformly gives praise to the COOKES. He says they were both fair, honest men, open in their conduct, and acted from a love to their country. It is some credit to him as an historian, that he should delineate so fairly the characters of men, who certainly were the most zealous republicans, that ever acted their parts in Massachusetts Bay." They were men of ardent feelings—formidable enemies—but always frank, honourable and undisguised. They were men of strong, inflexible character, of great energy of mind, and consistent in their political conduct, and should hold a high rank among American patriots. Nor should we neglect to notice, that in private and domestic life, they were mild, amiable and affectionate. The compiler of this sketch remembers to have heard an aged person, who had the best means of information, say, that the last ELISHA COOKE left all controversy at the threshhold of his habitation, and that at home he was the beloved husband, father and friend.

ELISHA was the son of RICHARD COOKE, who came from Quedsley, in Gloucestershire, in 1634, and was a merchant in Boston. He left a legacy of £50 to Harvard college. His only child, ELISHA, was born November 16, 1637, and graduated at Cambridge in 1657. He married a daughter of Governor LEVERETT. ELISHA, his only son, was born December 20, 1678, and graduated in 1697. He married a daughter of RICHARD MIDDLECOTT, Esq. one of the council appointed in the second charter.

MIDDLECOTT, his only son, graduated in 1723. The contest in which the lives of his father and grandfather were passed, excited a disinclination to public life in him. He took but little interest in political concerns, and passed his days in peace and hospitality, beloved and respected by a circle of friends, at the mansion of his father,* the venerable stone house lately standing in front of the new Court House, Boston. MIDDLECOTT COOKE was never married. A daughter of the last ELISHA was married to the Honourable RICHARD SALTONSTALL, of Haverhill, Massachusetts, whose descendants are the only posterity of the COOKES.

* The frequent political meetings at that house, have by some (the late Dr. Bentley) been supposed to be the origin of the word "*caucus*" —a corruption of "Cookes House." But see Pickering's Vocabulary.

SULLIVAN.

THE name of SULLIVAN is famous in our history. Governor SULLIVAN was a distinguished civilian; his brother, General SULLIVAN, a celebrated warrior in the American revolution.

In the cause of their country, when the prospect was dark and uncertain, and the hearts of many wise and virtuous men failed, these two brothers, in the often perverted, but emphatical language of the declaration of independence, "pledged their lives, their fortunes, and their sacred honour." They continued true to the holy determination, and their sacred honour is contained in the history of their patriotic labours.

It is not in our power to give any new particulars of the General.—Of the Governor, we will endeavour to give an account which, however imperfect, shall not be discreditable to his memory.

JAMES SULLIVAN was born the 22d of April, 1744, and was the fourth son of JOHN SULLIVAN, who, about the year 1723, came from Ireland, and settled at Berwick, in Maine, and died

at the extraordinary age of more than 105 years. He educated his son, who owed to him all the instruction which he had, except in professional science, and the father lived to see his brilliant success in the world. SULLIVAN was not in his youth devoted to learned pursuits, but resided at home, engaged in the happy but obscure life of agriculture. In a state of society moral and informed, but not polished, his ambition had probably never aimed at that celebrity which he afterwards attained. Here he imbibed republican lessons, which he never forgot. He learned that there was virtue and merit where there was little wealth or splendour; and was ever after attached to the yeomanry of the country, and regarded them as citizens on whom the welfare of the community mainly depended. He was deservedly their favourite, and never deceived their confidence. In some states, the people of the humbler order are averse to the elevation of those of their own number, and prefer others born of more eminent families. It is not so in New England. A large proportion of our influential men proceed from the common walks of life, and feel for their old friends a respect, which those who have always lived in another sphere are not so likely to entertain.

An accident, which at first foreboded the greatest evil, was the cause of SULLIVAN'S adopting the profession of the law. While felling a tree in the woods, he accidentally received a serious injury in one of his limbs, from which a long and painful illness ensued. The consequence of this, was lameness during the remainder of his life. This misfortune kept him from the army, in which he had determined to enter, and directed his attention to the profession of the law. His talents fitted him for the army, and he would probably have been promoted to high military distinction, had Providence not defeated his purposes; but he could not have been more useful in military, than he was in civil life. His advantages for study in early life were small; he was not stimulated by the competition of a large seminary, nor introduced by the counsel and assistance of learned friends, to that fruitful field of knowledge which is opened in a regular classical education. It may in consequence be lamented that the early studies of this man of genius were not differently conducted, but how far our regret is well founded cannot easily be ascertained. There is a sort of culture which acts unpropitiously on the native powers. Invention is sometimes retarded by the necessity of plodding over what is known, and remembering

subjects disagreeable to the taste of the scholar. Fancy, broken and tamed by rules, often loses in boldness and sublimity of flight, what she acquires in artificial correctness. Public education is frequently ill adapted to practical usefulness, and unsuited to the character of the student. SULLIVAN escaped the dangers of servile imitation; his mode of speaking was his own, not an awkward, unnatural mimickry of a dull pattern. In youth, his head was not encumbered with obsolete lore, nor clouded with those thick mists of polemical divinity, which envelope many of our colleges, and are so unprofitably mixed with their whole management. He had a philosophical turn of mind, which he improved by exercise; yet his remote situation denied him the best means of furnishing his mind, and the courage and success with which he met and overcame all obstacles cannot be sufficiently admired.

In the study and practice of the law at that period, there were difficulties which must have severely tried the fortitude of a beginner, particularly of one who came forward under so many disadvantages. The elements were in no fairer shape than Wood's Institutes, and Coke's Commentary on Littleton. The wheat was hid in the chaff. Blackstone's Lectures were first published

in England, in 1765, and could not have been much known in this country until some years after SULLIVAN commenced practice. There were then no Reports, no books of forms appropriate to our peculiar laws and practice; which gave the elder lawyers, who recollected decisions, and had precedents at command, a greater superiority over the younger than they now have. SULLIVAN was then remote from the metropolis, but the splendour of his talents shone through the darkness of the wilderness. He was indebted for no part of his fame to adventitious helps. He was not like PARSONS and DANA, trained by the lessons of TROWBRIDGE, that ancient sage of the law; yet Providence smiled on the unaided efforts of his genius, and so rapid was his rise, that before the revolution he was advanced to the rank of a barrister in the superior court, and appointed king's counsel for the county in which he resided. He was destined to act a higher part, and though thus noticed by men in power, was ready to oppose their tyrannical measures. The people of America were too wise to permit the operation of a principle of government radically wrong and slavish. They would not endure an attempt to take away their property without their consent.

Since the primitive days of Greece and Rome, there have been no such instances of patriotism and self-devotion as appeared in the ensuing war. The people rose in their strength and did not rest until they could repose in independence. Their resistance was founded on an enlightened understanding of their rights, and was not the ebullition of transient heat or blind resentment. The lawyers of those days, generally, are entitled to distinguished praise for the disinterested part which they acted. Many of them stood so high that their course was readily copied; and had they been on the side of the crown and colonial governor, who had heaped on them personally flattering distinctions and lucrative offices, the opposition would probably have been little more than nerveless and disastrous sedition. It will be admitted by every one, who reflects, that they lost more than they gained in a private view by the change of government. They were in the first ranks of the community; and it has always been the policy of the British executive to patronize liberally all men whose influence may be serviceable, and to reward them out of the spoils of the people with posts of honour and emolument. Notwithstanding these prospects before their eyes, they laboured at every hazard to establish an equal, economical and fru-

gal republic. SULLIVAN'S expectations of preferment were great and alluring in their nature, but his lofty principles were not affected by this temptation, and he determined to fall or rise only in the cause of liberty.

Our government being representative, and all measures decided by the deliberations of many, the civil policy of the country cannot be attributed to the wisdom of one or two individuals alone.—What any one proposes is considered and modified by the counsels of others, and often goes into effect in quite a different shape from that in which it first originated. In military affairs, unity of plan is essential to success, and if the general advises with his officers, his counsel is at his own risk, and to be selected by his own judgment. The credit of success in war is therefore almost exclusively attributed to the commander. The responsibility of conducting our armies and preserving them from destruction in the war of independence, devolved on WASHINGTON, and the praise of victory is with justice ascribed mostly to his personal energy and prudence. So absolute princes receive the honour of reforming civil institutions by their own efforts, or by directing the labours of statesmen and jurists, to the same end. For this reason Justinian and Alfred have been celebrated as re-

formers of law. No one man in this country can claim for himself alone, the merit of framing our constitutions and amending our laws. But SULLIVAN had a large share in the proceedings of the government of Massachusetts, at the period of the revolution. Before he had reached the thirty-second year of his age, he was reckoned among the first men. He was a member of the Provincial Congress, and while he belonged to that body in 1775, was sent on a difficult commission to Ticonderoga in company with the Hon. W. SPOONER and J. FOSTER, for which a vote of thanks was passed. In 1776 he was appointed a Judge of the Superior Court, with JOHN ADAMS, WILLIAM CUSHING and others. He had before been appointed Judge of the Court of Admiralty erected for the counties in the District of Maine, but never entered on the duties of that office. He assisted as a member of the Convention to form the state constitution, and continued a Judge of the Supreme Judicial Court until February, 1782, when he resigned and returned to the practice of the bar. In 1783, he was chosen by the General Court, a delegate to represent the State of Massachusetts in Congress; and in the ensuing year acted with JOHN LOWELL and THEOPHILUS PARSONS, as a commissioner in the settlement of the controversy then existing be-

tween the States of Massachusetts and New York, concerning their respective claims to the western lands.

He was repeatedly chosen to represent the town of Boston in the Legislature; in 1787 was a member of the executive council; the same year was made Judge of Probate for the county of Suffolk, and in 1790 Attorney-General.

In 1796, he was appointed by President WASHINGTON, a commissioner under the fifth article of the British treaty, for settling the boundaries between the United States and the British Provinces. In June, 1807, he was called to the chief magistracy of the Commonwealth.

Whoever considers the acknowledged eminence of the Commonwealth of Massachusetts, must be convinced that a lawyer who was called to such high trusts, when offices were not given by favouritism or party motives, must have had unquestionable talents, and been an able and successful advocate.

The power of description never fails more than in the attempt to convey an adequate conception of the eloquence for which a departed orator was applauded. Comparing able speeches to torrents, rivers, cataracts, fire and lightning, or to any grand objects of nature, by any analogy whatever, rather

displays the aspiring language of eulogium than does justice to the dead. Who that had never read the works of ancient orators could receive any competent idea of them from the representations made by their admirers? All that is possible to be told, may be expressed in a few epithets that have a definite meaning in the science of rhetoric; and by relating the time, the circumstances, and, as it were, the scenery which gave effect to what was uttered. The grace of action irretrievably perishes, and the beauty of the style can only be known by reading what was delivered. The eloquence of a great man is seen through any description, dim, faint, and shorn of its beams.

All our people read their native language and are accustomed on all occasions to thinking, inquiry, and deliberation. Their judgments are commonly formed patiently and slowly. From theological books, to which they are generally much devoted, they acquire habits of investigation and argument which they apply to other subjects. They pay more attention to the sound reasoner, however dry, than to the glowing images of the charming orator, charming never so wisely. Ornament, to suit them, must be more after the Athenian than the Asiatic models. Mansfield would please them more than Curran or Burke. Sulli-

VAN and PARSONS made more impression than AMES. To have a powerful sway with juries of this description, SULLIVAN was obliged to study their taste, and to adopt a style of speaking according to their standard. Thence it happened that his oratory like that which prevails in New England, was solid, logical and correct, though sometimes he could be figurative, dazzling and brilliant.

He had very dignified manners and a commanding person, which, when he spoke in court, did not appear to be marred by his lameness. His features were remarkably fine, and the expression intelligent and placid. He was always composed and self-possessed in argument, for his powers were not only great, but ready for every trial. The greatest lawyers were his antagonists at the bar, DANA, LOWELL, PARSONS, SEWALL, GORE, DEXTER and OTIS. Still he sustained his rank, and if not first, was in the first class. He was as well versed in special pleading and all the forms of practice, as in the science of the law. In one of his works he thus expresses his opinion on the importance of forms. "There is more of the substantial principles of justice depending on forms, than men are generally willing to acknowledge. When forms are done away, the substances

may remain; but when the forms are no longer discerned, the difference between the nature of substances is soon lost. The dust of man, when his form ceases to appear, is not known from the dust of other animals. Established forms of procedure, in the distribution of civil justice, serve to bind the judge and the magistrate to the path of their duty, and to chain the man exercising civil authority, to the line of his jurisdiction; because, that through these, the people are enabled to discover each deviation from right, as colours serve to give the first intimation of the nature of the substance on which they appear."

The great traits of his mind were force, comprehensiveness and ardour. Nothing of consequence in any cause escaped the fullness and intensity of his thoughts. His arguments were clear, close and strong, not calculated so much for parade as to secure conviction. His voice was clear and loud, his enunciation articulate and emphatical. His tones were adapted to the subject and the audience. His pathos sometimes drew tears from those who heard him. In important cases, his addresses to juries were well prepared and digested, and embraced and illustrated all the topics of the question. He acted as Attorney-General in the two very interesting capital trials which have been reported. His

management of each would do honour to any lawyer. One was the case of JASON FAIRBANKS, who in the year 1801, was convicted on circumstantial evidence of the murder of Miss FALES. The public were violently agitated at the transaction; most were strongly impressed against the prisoner, but some in his favour. The defence was conducted by H. G. OTIS and J. LOWELL, junior. Perhaps facts were never more adroitly argued than they were on this occasion. The prisoner's counsel commented on the testimony with wonderful ingenuity. SULLIVAN, the Attorney-General's reply was masterly and conclusive. He remarked on all the facts with great ability, and met every doubt and objection with fairness and success. In his speech were some excellent moral touches, and the whole trial is, even at this day, worthy of being read by every student of law who loves his profession, and would wish to see in how many different lights the same facts may be presented. The accused was a young man of good family and education, and twenty-one years of age. The deceased was a reputable young lady of eighteen.

The other was the celebrated case of SELFRIDGE, who was tried for killing AUSTIN, which, from party excitement at the time, and the important questions of homicide raised and settled in it, was

known throughout the United States. The report of the trial has circulated so extensively and been so much read, that it is sufficient to refer to it. It was considered a specimen of the greatest legal skill and learning on both sides, and SULLIVAN was thought to have encountered the exceeding subtlety and deep research of the defendant's counsel, GORE and DEXTER, with a power of argument and illustration no way inferior to theirs.

SULLIVAN was universally popular until he opposed some measures which were adopted soon after the national constitution was ratified. The parties which have since divided the country rose at that time, though they became more distinctly marked afterwards. He disliked the national bank and was friendly to the republic of France, until the excesses of the demagogues there disappointed his cherished hopes for its rational liberty. In these opinions he differed from some of his old and esteemed associates. The separation grew wider and wider, until what was at first an honest difference of judgment, grew into alienation and antipathy. These things could not move him from his course. No man was ever less intimidated by the storms of party rage. What particular share he had in the party transactions of that day is not known to the writer. It is believed, however, that

he was so far from exasperating the passions which were then roused, as to sacrifice much of his own feelings to the interests of peace and moderation. He gave the weight of his high standing and talents to the side which he thought was right, and was regarded as its most efficient leader in the state. This exposed him to much virulence and abuse. And what eminent man has not been subject to calumny? He was consistent through his whole public life, and when the most provoking obloquy was heaped upon him never returned railing for railing. He had too much good sense, philosophy and piety to be thus guilty. Whoever reads his productions will be struck with their calmness, justness and forbearance. His eye was fixed upon truth and the everlasting welfare of his country; and he was too elevated to suffer by the traducers who wished to ruin him. This moderation, as was natural, only inflamed them the more; but his firm and conciliatory conduct did not fail of gaining the respect of liberal and fair opponents; and they who were halting between the two parties were won by it to his side. Never did any great man more completely and honourably triumph over his enemies. Every year to the last, added strength and stability to his reputation, and he died, (October 17, 1808) invested with the badges

of the highest office in the gift of his native state, and was universally mourned.

In his administration he was wise, upright and impartial. When solicited by some violent men to remove from office some worthy incumbents, for no other reason than their being of the opposite party, he declared that he would be the governor of the people and not of a party. The object of his administration was to conciliate parties, and was in some degree successful. But after he died the olive branch withered and the political storm raged more than ever. Every thing is now calm, the state is safe and free, and he sleeps in peace with others, who with equal patriotism took another course. We now recollect with admiration that he sustained a greater number of important offices, and for a longer term, than any other man in the commonwealth ever did, and that he never shrunk from his duty or proved unequal to it. Every step of his career was laborious and responsible, but his energy and faithfulness supported him through every part, in the practice of the most arduous virtue and constant usefulness. The federal constitution was in his view pregnant with the greatest benefits, and he writes of it as follows:

"When the United States assumed their independence, they offered themselves to the world, as

free, separate, sovereign powers. The league called the confederation, by which they attempted to act as a nation for certain purposes, very soon lost its efficiency and became a dead letter. Various were the schemes for a permanent union, at that important crisis, filled with anxiety and alarm, and many were the speculations offered to the public eye. A mere confederation, without energy or power, was one extreme, while a consolidation of all the states to one complete entire sovereignty was the other. In the first, were contained those seeds of discord and disunion, which would, in full growth, have rendered us the sport of European powers, and have fixed us in war among ourselves. In the other, the increase of our people, the extent of our country, and the pride of power, fixed in the hands of a few, exhibited all the terrors of an hereditary monarchy, upheld of necessity by an hereditary aristocracy: For the tall cedar cannot stand alone; the large trees of the forest must encircle and shield it, or its fall is certain and inevitable.

"When the public mind was agitated by these speculations, Virginia, the oldest sister of the union, issued a proposition for a national convention, to be held on this interesting subject. The fortunate event is known, understood, enjoyed.

A national constitution was produced, examined, amended and established.

"By this system, the people withdrew a portion of the sovereignty, which had been devolved on the governments of the states separately, and vested it in the national government, to be exercised on men and things, according to the form of the constitution. So that we now behold two sovereign powers acting upon the same subject at the same time. This novelty in the exercise of power is now in the hand of experiment, and were we at this moment to form an opinion, without further process, we should pronounce without hesitation in its favour. We should vouch peace and prosperity; we should call up increase of wealth and population; we should exhibit health, happiness, public and private felicity, to maintain our assertion. L. T. p.

"Could we understand our present political situation, as a nation and as separate states; could we carefully and impartially examine it, in all its nice and regular forms; could we see the beautiful connexion of all the healthy and vigorous parts, which compose the unprecedented and glorious system of government, which heaven has seen fit to bestow upon us, we should view the man who would dare predict a change of it, as to its essential prin-

ciples, as our most inveterate enemy. We should hold him as the common enemy of mankind, because unless the enlightened people of the United States can support the dignity of freedom and enjoy the blessings of free government, there is no hope left for the human race." Obs. U. S. Government, p. 13—14.

Political and professional pursuits did not wholly engross his care. Letters and science received his aid and encouragement. He was one of the first members of the American Academy of Arts and Sciences; one of the founders and many years president of the Massachusetts Historical Society. In the life of Sir WILLIAM JONES may be found a letter which was addressed by SULLIVAN, when president of that society, to inform him of his election as an honorary member. He was actively concerned in several religious and benevolent associations. His public spirit was never weary in its exertions; and since public works have justly obtained so much estimation, and reflected on their projectors so much honour, it should not be forgotten by the citizens of Massachusetts, that, besides his other claims to their gratitude, they are indebted to Governor SULLIVAN for the Middlesex Canal. He planned that great work, and devoted to it much time and labour. From its commencement until his death

he was president of the corporation. Some of his writings have been published. They seem to have been intended by him rather to be of service to the world than to build up a literary reputation. He was too much engaged in business to have leisure for very elaborate composition. The subjects of which he has treated are all interesting, and he did not feel himself at liberty to withhold the light which he could bestow on them. The History of Land Titles contains the most prominent facts in our legal annals, and many just and excellent remarks on our laws and constitutions. It would be more read and better esteemed, had not our Reports, which were soon after published, gone more fully and conclusively into the same researches. The reasonings of one man cannot stand in competition with the opinions which are spoken by authority. The History of the District of Maine does credit to his industry, and preserves from oblivion much traditionary narrative. His Treatise on the Suability of the States, is a sound and judicious piece. The Path to Riches or an Essay on Banks, contains perhaps as good principles on that topic as can any where be found, and in point of style is one of his neatest and most finished performances. I have never seen his Treatise on the Constitutional Liberty of the Press. He proposed to write

a history of the criminal law of the state, but it was never printed. Every one of his works glows with the fervour of true patriotism and benevolence. His conversation was enriched with the stores of various reading, for there was no department of learning with which he did not seek an acquaintance.

The late Rev. Mr. Buckminster of Boston, whose church he attended, in the sermon on his death said,

"His mind, if I may be allowed the comparison, was like a native forest which had never been entirely cleared, or carefully divided; where the light gained admission at every opening, and not through any regular avenue; where the growth was rapid and thick, and though occasionally irregular, yet always strong; where new seeds were successively shooting up, and the materials seemed never likely to be exhausted. I know that men of original thinking, whose minds are at all of a philosophical cast, are tempted, especially when deprived of the discipline of a regular education, to speculate too curiously on the subject of Christianity, and to indulge the conceits of a barren scepticism. But to the honour of our departed chief magistrate I mention it, his faith was never wrested from him by subtlety, nor thrown away to pursue with more freedom purposes of interest or pas-

sion. His early profession of Christianity, his attachment to its ministers, his connexion with several of its churches, and his interest in a rising family, came in aid of one another, and of religion in his mind."

He was exemplary in performing the duties of all the several relations of life. The author of a well written obituary notice which appeared in the Palladium after his death, thus describes the closing scene of his career.

"In the long and distressed confinement which preceded his decease, though always aware that his disease was beyond the reach of medicine or of human skill, he suffered with resignation and calmness, and scarcely ever was a complaint heard to escape from him. He often beguiled the tediousness of his sleepless nights with instructive and pleasant conversation. He often spoke with fervent gratitude of the consolations which he experienced; above all, that his illness had not bereft him of his mind, and that he was permitted to close his long and laborious life in the bosom of his family, with the unshaken assurance of renewing his existence in another and a better world."

I have thus paid the small tribute which I could to the memory of the man who wished for honest fame. He hoped to be remembered. "Self-love,

says he, attaches itself to and places an undue estimate on the things we possess; and we therefore do not indulge with pleasure, the reflection of being separated from them forever. As a balm to ease our feelings, we pursue measures to render our names immortal, and to print the lines of our existence here as deep as possible, that generations far distant on the wheel of time, as they roll near and pass on, may recognize where we once had been."

Our country has a property in the characters of its great men. They shed a glory over its annals and are bright examples for future citizens. Other nations too may enjoy their light. The flame of liberty has been caught from the patriots of Greece and Rome by men who were not born in those lands, while the descendants of those patriots have forgotten the fame of their ancestors. And should it happen, contrary to all our prayers and all our trust, that the inhabitants of this country at some period hereafter, should lose the freedom and the spirit of their fathers, the history of our Adamses, our Warrens and our Sullivans, shall wake the courage of patriots on distant shores, and teach them to triumph over oppression.

A.

DALTON.

IN giving a brief sketch of the life of this distinguished gentleman, we may be allowed a single remark on the state of society, in this part of the country, fifty years since. The revolution has incalculably increased and diffused the happiness of the people, and perhaps the eminent men of other times appear more striking to us from the smallness of their number; but there were to be found before the revolution, in many parts of New England, a degree of mental cultivation, a refinement and dignity of manners, and a liberal hospitality in the intercourse of society, which has not since, to say the least, been surpassed.

The town of Newburyport once furnished a remarkable illustration of the truth of this observation. Its population was small—actively engaged in commercial pursuits—under the direction of some of the most intelligent and distinguished merchants of New England. Several of these gentlemen had been associated in early life at the University, and others were connected by nearer

ties. Four members of one class, although not natives of the town, chose Newburyport as the place of their residence. One of them was a clergyman, lately deceased, most respected and beloved, who for many years found these friends of his youth amongst his most affectionate and valuable parishioners. The intercourse of society is always most pleasant and unrestrained in places, which are small enough to permit each to be acquainted with all, whilst the same circumstance prevents the establishment of rival circles—and in no part of America, we believe, were its pleasures enjoyed more rationally, or a more frank and generous hospitality exhibited towards strangers, than in Newburyport.

The Honourable TRISTRAM DALTON was born there, in the month of June, 1738. He was the only child of parents of the first respectability. In the year 1755, being then at the early age of seventeen, he received the degree of Bachelor of Arts at Harvard University. He was tall and finely formed, and added to his personal beauty the most graceful and polished manners. He was diligent, exemplary, and accomplished as a scholar. His class was a distinguished one. None is at present recollected of the same numbers, which has furnished an equal proportion of eminent men.

Two of its illustrious members still live to enjoy the gratitude of their country. After leaving the University, DALTON pursued the study of the law at Salem, as an accomplishment, and not with a view to practice. He was happily exempted from the necessity of struggling in a profession, of which it has been well remarked, that the violence of the competition, the intellectual labour, and the unintellectual drudgery which it involves, render it the most difficult, and after the first glow of enthusiasm has gone by, the most repelling of human pursuits.

Having finished his course of reading in Salem, he married the eldest daughter of the Honourable ROBERT HOOPER, of Marblehead, and entered into business with his father, then one of the most wealthy and respectable merchants of his native town. For many years he resided in Newburyport, actively engaged in commercial pursuits, and surrounded with every temporal blessing—domestic happiness—public respect—and the various and exquisite enjoyments, which a taste for agriculture and letters, with unlimited means of gratifying it, so richly affords. His piety was ardent and sincere. From feeling and conviction, he believed in the gospel of our blessed Saviour. He read much, and devoted himself particularly to

those studies which are connected with revelation, and the ancient history of the church. He preferred the Episcopalian mode of worship, at which he constantly attended, and contributed liberally towards maintaining it in Newburyport.

For several years he was called to fill some of the most dignified and responsible offices in the Commonwealth. He was a representative from his town—Speaker of the House of Representatives—a member of the Senate—and with the late Governor STRONG, was chosen a senator of the United States, in the first Congress after the adoption of the Federal Constitution. When the term for which he was elected to the office of senator of the United States had expired, the proposed establishment of the federal city at Washington, presented an object of deceptive splendour, which seduced many to resort to it. The visions of power and glory, which seemed to accompany even the mention of its name, could not indeed have been realized without the "strong enchantment" which is said to have raised the walls of ancient cities in the desert. DALTON had formed an extensive acquaintance with the inhabitants of the south, and was induced by that circumstance, and the prospect of making advantageous speculations at Washington, to invest his fortune

in property there, which ultimately occasioned to him great losses. He disposed of his estates, which were among the most beautiful and valuable in the county of Essex, for prices, which, even at the present reduced value of real estate, would be thought small, and removed with his family to Washington. The person with whom he was there associated in business deceived him, and the consequence was, a loss of nearly the whole of his property. For sixty years he had lived in a state of affluence, and the change would have crushed a spirit less equable than his, less enlightened by philosophy, or sustained by religion. "But he had learned in whatsoever state he was, therewith to be content," and he was fortunately in a part of the country, where wealth is not the "one and only thing needful." With manners so gentle and attractive as his, a mind so cultivated, integrity so spotless, he had the satisfaction of finding that no diminution of respect accompanied his loss of property; and the priest and the Levite, if they were not quite so obsequious as before, did not however in his case, as in most others of misfortune, pass by on the other side.

Dalton had lived in habits of intimacy and friendship with the four first presidents of the United States. Washington honoured him with

his confidence and regard, and with his illustrious class-mate, whose peculiar glory it is to have been second only to him, who was "FIRST *in the hearts of his countrymen,*" the friendship which was formed in early life, was maintained to the last, unchanged and unimpaired. From a knowledge of his worth, and misfortunes, he was offered repeatedly by the national government a choice of respectable offices. In 1815, he was appointed surveyor of the ports of Boston and Charlestown, and he returned once more to New England. But another generation had risen up. Of his contemporaries few remained. Some younger than himself had forgotten him, and some had injured, and could not therefore forgive him. He continued in the active discharge of the duties of this office, until 1817, when he closed in peace, a life of distinguished purity and usefulness.

"Full of years and honours, through the gate
Of painless slumber he retir'd.
As a river pure
Meets in his course a subterraneous void,
There dips his silver head again to rise,
And rising glide through fields and meadows new,
So hath Oilëus in those happier climes,
Where neither gloom or sorrow shades the mind."

B.

OTIS.

JAMES OTIS was an eminent lawyer who flourished in the fore part and the middle of the eighteenth century; he resided in the town of Barnstable, the shire town of the county of the same name. He had not the advantage of a collegiate education; but the powers of his mind were immense; he was well skilled in the theory and practice of law, and there were but few, if any, actions of magnitude in the old colony in which he was not engaged. His arguments were strong, lucid and impressive; no man had a greater influence on the jury than he had; he would accommodate himself to their understanding, and by a species of address—I will not say flattery—so work himself into their affections, as to gain an advantage of which no other man, among his contemporaries, could avail himself. The celebrity of his character was not confined to the narrow limits of his county; he was appointed colonel of the regiment of militia in the county of Barnstable, and was a great number of years a member of his Majesty's

Council of the Province; in which situation as a statesman he shone with uncommon lustre. He was also appointed Chief Justice of the Court of Common Pleas for that county, which office he sustained till or near the close of his life. In this situation his decisions were such as a thorough understanding of the law and strict integrity dictated. When the important struggle between Great Britain and her colonies took place, he was one of the first who espoused the cause of his native country, and his exertions were such as to draw on him the displeasure of Sir FRANCIS BERNARD, the then governor of the Province, who by his *veto* once or oftener deprived him of his seat in Council to which he was chosen by the House of Representatives; and his successor, governor HUTCHINSON, treading in the steps of his predecessor, dismissed Col. OTIS's son JOSEPH from the office of major in the Barnstable regiment.

In the year 1774, after the new modelling of the Constitution of Massachusetts, when the Council was appointed by the king's mandamus, and the jurors appointed by the sheriff, it was thought by the people at large, that policy dictated that the court should not be permitted to sit and adjudicate. Accordingly at the time the Court of Common Pleas was to have set in Barnstable in September,

a body of men of about 1500, assembled at the court-house and took possession thereof, and formed a solid body at and round the court-house door. The court, preceded by the high sheriff of the county, approached as near the court-house door as they could for the crowd; the Chief Justice, Col. Otis, demanded what was the object of that unusual concourse of people? He was answered by the presiding officer, Doctor Freeman, since Brigadier, that the *object* of that assemblage was to prevent the court from doing any business, or even the court's being opened. The Chief Justice replied that *that* court was a constitutional court, against which no objection could be made; that the jurors were drawn from the boxes according to the ancient custom and laws of the land. He was answered that all *that* was understood; but it was well known that appeals lay from that court to the Superior Court, where the jurors would be appointed by the sheriff; and as prevention is considered as the best of actions, it was the safest way to stop the avenues of business to that court; that if they met they could have nothing to do but to adjourn *sine die;* which would prevent that court from exercising those unconstitutional powers which the British Parliament had vested them with. That this was the object of the assemblage,

and the reason on which they founded their resolution that the court should not sit; that they had fully considered the subject, and that their resolution was not to be shaken by any consideration whatever. The Chief Justice then said, as it was his duty, he now, in his Majesty's name, commanded them to disperse, and give the court an opportunity to go into the court-house. This was unanimously refused. The Chief Justice then said he had done his duty, and they must be answerable for their conduct; and retired.

After this the assemblage chose a committee, who waited on the Chief Justice, and in the name of the body of people assembled, requested him to attend the meeting of the Legislature which was to be the next month, and demand his seat at the Council Board, to which they considered him constitutionally entitled; notwithstanding the Council appointed by the king's mandamus was supposed to have superceded the Council chosen by the House of Representatives. The Chief Justice thanked them for their request, and said that he had previously determined to attend—though not summoned by the governor—and demand his seat; for he considered the act of Parliament as a mere nullity. However, before the time arrived for the sitting of the General Court, so many of the man-

damus Council had resigned, that there was not left a quorum, and the governor, general GAGE, issued his proclamation directing the General Court not to assemble.

There can be little doubt that Col. OTIS mentally approved of this procedure; for he did not leave his mansion house—four miles from the court-house—until he had seen this assemblage pass by; and he could not be ignorant of their design. He was then greatly advanced in years, though his health appeared sound; he was then somewhat plethoric, but his eyes retained their native brilliancy.

Col. OTIS had three sons, the eldest of whom bore his name, and his fame will be as lasting as the annals of America, and who justly ought to be considered as the most splendid constellation in the American hemisphere. The second son was JOSEPH, whose name has before been mentioned; he was advanced in the time of the revolution to the rank of Brigadier in the militia, and afterwards was collector for the port of Barnstable. The third was SAMUEL ALLYNE, who often represented the town of Boston in the General Court; was once the Speaker of the House; was a member of Congress under the confederation, and under the new constitution was Secretary to the Senate from the

first organization of the Legislature to his death. He had one daughter, the wife of general JAMES WARREN, who was very noted for the goodness of her pen. She wrote the Adulator and the Group, two political dramatic pieces, and a volume of poems, containing, among other things, two other dramatic pieces, and an history of the American revolutionary war, in three volumes.

Col. OTIS died in an advanced age, Nov. 1778.

C.

LEONARD.

ELKANAH LEONARD. He was born pretty early in the eighteenth century (perhaps in the year 1708) at Middleborough in the county of Plymouth. His education was limited to a common school; but nature had been very liberal in the endowment of his mind. He possessed strong powers of investigation, a sound judgment, and an uncommon brilliancy of wit; and his inventive powers were not surpassed, if equalled, by any of his time.

With this limited literary education, he applied himself to the study of law, in which, notwithstanding his disadvantages, he made astonishing progress. His memory was so retentive, that whatever he read was safely deposited in the cabinet of his recollection. He soon possessed himself with all the legal ideas contained in the treatises on law which were then extant; and such was his fortitude of mind that on his first appearance at the bar he would manage the most difficult cases without any apparent timidity. His assistance in the *defence* in criminal prosecutions was much sought

for, and his abilities were never more conspicuous than in those defences; and his success was in proportion to his exertions. It was sometimes thought that a good conscience could not justify all his strenuous exertions. He soon attracted executive and legislative notice. At an early age he was by the Governor appointed a major in the militia in the regiment to which he belonged, and the writer of these sketches recollects that in perusing an old volume of the Journals of the House of Representatives, between the years 1730 and 1740, that when a committee of the House was appointed to manage an intricate cause in which the Province was engaged, that they were instructed by the House to consult ELKANAH LEONARD, to take his opinion and engage his assistance. But the fate of human greatness is very precarious. While he was thus "*in the full tide of successful experiment,*" his mind, as capacious as it was, without any apparent cause, became so far deranged, as to render him unfit for any kind of business; and in this situation, though never very frantic, he remained to the close of his life in a very advanced age. This malady of the mind did not extinguish his attachment to legal investigations; he would sit half a day at a time in perusing Coke's Institutes, his Reports, and the ancient sages in law

with much attention and apparent satisfaction. The writer of these sketches recollects, that when a boy (August, 1774) he called on a son of this gentleman with whom he lived. The old gentleman interrogated him, who he was? where he came from? and on being informed, he began an inquiry concerning a number of people who had formerly been his clients. He would state their cases, apparently with correctness, and the fate of these actions and the pivot on which they turned; and it gave him great apparent satisfaction to relate his success. He was much famed for the accuracy of his forms of declarations, which at that time was a very important item in legal acquirements, and generally the last request of the client to his attorney was, "*Pray make it hang.*" He was the first attorney in the town of Middleborough, and the only one that had an office there until JAMES SPROAT opened an office there, about the year 1788. There are now three at that place. C.

RUGGLES.

TIMOTHY RUGGLES. He was born in Rochester, Oct. 11, 1711, was the eldest son of the Rev. TIMOTHY RUGGLES, minister of the first parish in that town, and was the second minister settled in Rochester. He was educated at Cambridge, and it was his father's fervent wish to introduce him to the work of the Gospel Ministry; but he had no inclination to gratify his father in that respect. He represented the town of Rochester in the General Court the year 1736, but it does not appear that he had any wish to be re-elected. In that year he procured a temporary act, which was afterwards made perpetual, prohibiting deputy sheriffs from filling writs. Having made choice of the practice of law for his business, he opened an office in Sandwich, in the county of Barnstable. He married a dowager, and opened a tavern—the same which is now kept by Mr. Newcomb—in which business he was particular in *personal* attendance, getting oats, bridling horses, &c. saying, he would never be too big for his own business. While here

he attended the courts in Plymouth, Bristol and Barnstable counties; and there were few actions of magnitude, but that he and old Col. Otis met each other on opposite sides. As a scholar he was much above mediocrity; his strength of mind was great; his reasoning powers and his legal information placed him among the most able advocates of that day; but his manners were coarse, rough and offensive; his wit was brilliant, but harsh and unpleasant; his arguments to a court or jury were luminous and impressive; but in his private conversation he did not so studiously avoid profanity, as prudence would have dictated. Mrs. Warren, in her celebrated play, "*The Group*," has not far departed from propriety, when in the *persons of the drama* she gave him the name of Brigadier Hate-all.

Having practised some time in Sandwich, he conceived the business there to be too limited to make it a proper sphere for him to move in; and he accordingly removed to Hardwick in the county of Worcester. While here he entered a military life; he was the second in command in General Johnson's fight, so called, in which action the Baron De Dieskau, the French general, was defeated, wounded and taken prisoner. His activity in said action recommended him to the favourable

notice of his sovereign, George II. who gave him a lucrative office under the crown; and he was also appointed *first justice* of the Court of Common Pleas in that county, and often represented that town in the General Court.

During the active career of this gentleman, the British minister, Mr. Grenville, conceived the project of raising a revenue in America, and he ushered the *stamp-act* into parliament, where it became a law. This measure caused an universal clamour in the colonies. A general Congress was chosen, which met in New York, 1765; of this Congress Brigadier Ruggles was a member, and is said to have been the president, but for this I can find no documental authority.

It is presumed that at the time of his election, he was not considered as an advocate for the British claims; however, his conduct there did not meet the approbation of the Provincial Assembly, by which he was chosen; of which he was not long after made sensible, in a way not the most pleasing to him; and ever after that he was pointed against the measures adopted by the colonists.

On mutilating the charter of Massachusetts, in 1774, he was appointed a member of the Council, by the king's mandamus. The spirit of the people, and his own personal safety, made it neces-

sary for him to abandon his place of residence, at Hardwick, and take protection in the capital which was then garrisoned by a British army. In this place he distinguished himself by his utmost malignity against the measures adopted by the colonists. From hence he sent into the country his famous association, fondly hoping by means of that, to damp the ardour of the colonists, and abate their energy; but it was too late for that, his association had no other effect than to increase the political flame.

He remained with the British during the revolutionary war, and settled himself at, or near, Port Roseway, where he spent the residue of his days.

C.

SPRAGUE.

JOHN SPRAGUE, the subject of this sketch, was the youngest son of NOAH SPRAGUE, Esq. a gentleman of considerable standing in the town of Rochester, county of Plymouth, and who often received the highest honours of that town. This son was born June 21st, 1740. Until he was twenty-one years of age, he worked at husbandry on his father's farm; but on being emancipated from minority, he abandoned that business for the purpose of preparing himself for some learned profession, and went through his preparatory studies under the tuition of the late Rev. THOMAS WEST, and afterwards received the honours of Cambridge. He then entered on his legal studies in the office of Mr. PUTNAM, of Worcester; which studies he pursued with the most intense application. He was admitted to the bar, and settled in the town of Lancaster. The proficiency he had made in his legal studies enabled him, when applied to as counsel—if the case was fairly stated to him—to give such advice as might be confided in with

safety; and such was his integrity, that he gave his opinion as it was, without any regard to the consequences. His open and frank practice soon secured to him a large run of business; and though it is not pretended that his oratorical abilities were very distinguished, yet his thorough knowledge of the law, and his close investigation of facts, and the strength of his reasoning powers enabled him to appear at the bar to great advantage, and his employers never had reason to repent of the confidence they had placed in him. He was not only a lawyer, but an upright one; and was a great enemy to ill-natured and frivolous actions, and scouted all from his presence, who applied to him to bring actions which propriety would not justify.

He often represented that town in the state legislature, and was often a member of the senate; in both of which situations, the correct statesman was apparent in his character. He was also a member of the state convention, which ratified the federal constitution. He also sustained the office of sheriff of said county, and afterwards that of chief justice of the court of common pleas; in which office he distinguished himself as an upright, and well informed judge. He died at his seat in Lancaster, before the approaches of old age had made

any considerable inroad on his constitution. He left one son, a member of the bar, who is not now living, and it is doubtful if he has any descendants now, who bear the name of SPRAGUE. C.

PELEG SPRAGUE, a nephew of the preceding, was born in Rochester, December 10, 1756. He was brought up in a merchant's store; but on his coming to years of maturity, his friends imagined that the endowments of his mind qualified him to move in a different sphere; he was accordingly placed in a school, until he was thought to be prepared to enter on the study of the law. He was then placed under the tuition of BENJAMIN WEST, at Charlestown, N. H. who has been called the PARSONS of New Hampshire. He finished his studies, and was admitted to the bar; he opened an office in Dartmouth, (since New Bedford) and continued there a year or two; and though his prospects were rather flattering, yet he conceived he could do better somewhere else. He next opened an office in Keene, Cheshire county, N. H. where he soon acquired a very handsome run of practice; and though an exotic, he was chosen a represensative of that state in Congress. In this situation he appeared to very good advantage, and his fortitude of mind was of peculiar advantage to

him. He was an easy speaker, and felt no kind of intimidation in opposing any measure which he thought incorrect, however great the characters might be of those who supported it. But at the meridian of life, his impaired state of health was inconsistent with his being any longer a candidate, and he soon paid the great debt of nature. C.

CUSHING.

JOSEPH CUSHING, a native of the Old Colony, was born, it is believed, in the town of Hanover, he was educated at Cambridge, and graduated in the year 1752. He chose the profession of law, and commenced business at Hanover, where he spent his days in the practice. After the American revolution commenced, he was appointed brigadier-general of the first brigade, in the fifth division of the Massachusetts militia. He was also appointed judge of probate for the county of Plymouth, which office he held during his life; he died in the close of the year 1791, or the beginning of the year 1792. His powers of mind would not be over-rated, when estimated at what is called mediocrity; and his legal acquirements were about on a par with his strength of mind. His nerves were very accessible, and it was a misfortune which he laboured under, that when he was under the influence of passion, it greatly impaired his power of utterance, as well as deranged

his ideas. Of this circumstance, Mr. ANGIER who came into practice some time after him, did not fail to take advantage; and as ANGIER was peculiarly qualified to excite resentment, his clients often reaped important benefits therefrom. For a while ANGIER was the law oracle of the Old Colony.

The following anecdote is thought to be worth preserving. A gentleman called on Judge CUSHING—took out a dollar and gave him, saying, here is a dollar, for which I want your BEST advice; and then stated the case. The case was intricate, and had a variety of doubtful points in it. The attorney felt himself much embarrassed in deciding on them *instanter*; pausing a while, he looks his client in the face, and said, there are several points in this case which are not of easy solution; I think you had better apply to ANGIER. The client answered, 'tis fairly done; you have given me the BEST advice you ever gave a client.

He was naturally a small, light man, and when he first appeared at the bar, his weight was only 140 pounds; but he became plethoric, and his weight increased ten pounds a year for ten years, when he weighed 240 pounds. As his age advanced, his bodily exercise diminished, and his activity gave place to indisposition; and the pow-

ers of mind diminished with more haste than those of his body, until they were nearly extinct; and in this situation his days terminated. C.

LEONARD.

GEORGE LEONARD was born in Norton, in the county of Bristol, and was the only son of the Honourable GEORGE LEONARD, judge of probate for said county; he graduated at Cambridge, in the year 1748—went through the necessary legal studies, and was admitted at the bar, and commenced practice in his native town.

The ample fortune to which he was born, rendered his practice rather an *amusement*, than an *occupation* for a livelihood. He was a man of decent abilities, and his acquirements were considerable. His practice was pretty much limited to his own county, though he occasionally attended the courts in the neighbouring counties. He was a man of strict integrity, a mild disposition, and a sociable companion.

He could not boast of extensive oratorical powers, but his language was correct, and when engaged

in a disputed action, he did his cause very good justice. Long before the revolution he was appointed register of probate for that county, which office he sustained until he was appointed judge of probate. He was honoured by a seat in the House of Representatives, and also in the Senate of the state government; and in the House of Representatives of the national legislature; he also held the office of judge of the court of common pleas for the county of Bristol. In all which stations he acquitted himself with reputation. He had no son, and but one daughter; she was married to the late lieutenant governor BOWEN of Rhode Island. C.

HAMMOND.

THOMAS HAMMOND was the second son of ENOCH HAMMOND, Esq.; he was born in Rochester, on the 17th Sept. 1766. His mother was the daughter of the Rev. THOMAS WEST, the minister of the third parish in Rochester, and sister of the late SAMUEL WEST, D. D. pastor of the church in Hollis street, Boston, and of the Hon. BENJAMIN WEST, late of Charlestown, N. Hampshire. His studies, preparatory for the college, were under the direction of his grand father WEST, and he entered college at Cambridge and there graduated. He then commenced his legal studies under the tuition of his uncle at Charlestown, and there finished them. Under a certificate from his instructor, he was admitted an attorney at the Court of Common Pleas in the county of Bristol. He was an excellent classical scholar; he was a man of quick apprehension, sound judgment, and had strong powers of investigation; his mind was well stored with legal ideas. His opportunities in the world had been good, and he had not failed of

making a suitable improvement of those opportunities. His acquaintance had the most flattering anticipations that he would be an ornament to the bar, and shine there with unrivalled lustre. But his first appearance at the bar was in an unpropitious moment: he rose to read a writ—as was then the custom—in an action in which there was no defence; and, strange to tell, his confidence forsook him; he could not proceed, but sat down.—The friendly interference of the members of the bar was insufficient to restore his confidence; and after sitting a short time he rose and uttering some inarticulate sounds, which were not understood; the defendant was defaulted.

This unfortunate incident was a dreadful damper to his mind; it made an impression thereon, which philosophy and time could never eradicate; and though he was never after put to such a *non plus*, yet his embarrassments were such that they were of inconceivable damage to him; and he seldom, if ever, undertook the management of a disputed cause without calling to his aid some brother practitioner, and sometimes those of legal abilities vastly inferior to his own; and it was not unfrequent, that at the trial of an action in which he was engaged, his ill state of health would not admit of his attendance in the court-house.

In trials before referees and justices of the peace he appeared to very good advantage; but in those cases he generally, if not always, obtained leave to make his arguments sitting in a chair; as when he stood up he appeared to be out of his proper element.

He was settled in New Bedford, where—notwithstanding what has been before said—he had a very good run of practice; his legal opinions were entitled to great confidence—and generally those who intrusted him with their business had no reason to regret the confidence they reposed in him; for their anticipations were generally realized.

He was not so cautious as to lay that restraint on his tongue as those who were more prudent did; but without any ill intention, expressions would sometimes escape him which propriety could not justify. He was a pleasant companion, not very fond of exercise, and though temperate as to drink, was a great devotee to high living. The richness of his food, and his want of proper exercise, is thought to have brought on a bodily infirmity, which terminated in his death before he arrived at middle age. He left a widow, and a son and daughter.

WASHBURN.

JAMES WASHBURN was born at Middleborough. He was the eldest son of Capt. Amos Washburn. He had at his birth what is called a hair-lip, which his parents caused to be sewed up, and so well was the performance done, that the circumstance did not prove to be of any disadvantage to him.

He received his collegiate education at Cambridge, and commenced his legal studies under the direction of Shearjashub Bourne, then the only practising attorney in the county of Barnstable, in the year 1790. He continued his studies there about a year, when his preceptor was chosen a member of the second Congress under the present Constitution. He then left Barnstable and returned to his father's, in Middleborough, where he resided—paid some attention to law books, and commenced practice. At this time originating actions in the Old Colony was not limited to the members of the bar.

He made several unsuccessful attempts to be admitted to the bar; an unhappy dispute between him and Judge PADELFORD, the then President of the Old Colony bar, was of singular disadvantage to him. In the year 1799, when the Old Colony bar came to a resolution not to undertake the prosecution of any action which was not originated by some member of the bar, he discontinued the originating any action, and soon after entered the office of J. D. DUNBAR, as a student, and was admitted to the bar April term, 1801. Though the office in which he finished his studies was but poorly furnished with books, his attention was closely applyed to what books there were there, and made himself complete master of their contents; and so strong were his ruminating powers, that from the principles he then had possessed himself of, he drew conclusions which would apply to almost all cases; and at his first appearance at the bar he was capable of doing his client's cause justice. He possessed a singular fortitude of mind; the opposition of the ablest counsel at the bar, or even the frowns of the court, was no damper to his energies; but they rather served to quicken his apprehension, and to add to his original fortitude; and like the palm tree, the more weight he had laid on him the faster he arose.

Washburn was a man whose nerves were very accessible, and in the first part of his practice he did not take such pains to conceal his resentment as experience suggested the propriety of afterwards. He ever had an high sense of honour, and could not easily overlook the imputation of a low or mean action. At the bar he appeared with a good grace; his voice was smooth and clear, his articulation distinct; his language was pure, and his gestures were graceful. He possessed a lively and brilliant imagination, and his argumentative powers were much above mediocrity; his sagacity discovered the pivot on which his cause would turn, and his ingenuity pointed out to him every advantage which he could take.

He practiced for a few years in Middleborough, and then removed to New Bedford. He constantly attended the courts at Plymouth, Taunton, Barnstable, Dukes' county and Nantucket; in the two last mentioned places he scarcely, if ever, failed of being engaged in every disputed action. In the other counties he had a full proportion of business.

After his removal to New Bedford, he made some experiments in maritime business. This was unfortunate to him: the operation of the restrictive measures of the general government, were

much to his disadvantage; his losses were very considerable, and the proceeds of his legal business were insufficient to keep him in *statu quo*.—He bore those losses with philosophic fortitude; and he passed through life in the same apparent tranquillity, as if all his endeavours had been crowned with success; and the situation of his fiscal affairs were unknown—though not unsuspected—till after his death.

It may be proper here to observe, that it is the most unwise policy for a practitioner at law to run into any speculation distinct from his professional business. A lawyer will always find that the study of his profession is sufficient to employ all his time which is not necessarily devoted to relaxation and the unbending the mind. A lawyer should be ever ready to give his answer to his client *instanter*, that he may not be delayed or disappointed. That lawyer who attends to the study of his profession, keeps his office open early and late, and is there in proper person, will never suffer for the want of business, if he is faithful to his client. A watch-maker or a ship-master could not reasonably expect any great benefit from neglecting their proper business, and undertaking the discussion of law points. One kind of business is sufficient for one man.

Washburn represented the town of New Bedford in the General Court a number of years, and was there a useful member. He took an active part in obtaining the act establishing a law term of the Supreme Judicial Court in and for the counties of Plymouth, Bristol and Barnstable.

He attended the Supreme Court at Barnstable in 1815, the next week he attended at Plymouth, and the week after at Taunton. At the last place he complained of severe bodily indisposition; he left the court and returned towards home as far as Middleborough, where he stopped at his brother's, his malady increased; medical aid was called in, but the obstinacy of his disorder was not to be controlled by the skill and applications of the sons of Esculapius. He lay in great distress about three weeks, when the organs of life discontinued their functions, and he closed his eyes in death; aged about fifty years.

HODGE.

IT would be the height of injustice to judge of the taste, the extent and the excellence of our literature from the works we have produced. It has been unfashionable to write, and imprudent to publish in this country. A good father—a business-man, dreaded to see in his son a propensity to letters, after he had left his college walls. From such a disposition he would draw the sad augery of want of success in life. If the young man was intended for the ministry, the pious parent thought that gods and goddesses, inspired fountains and Elysian fields—those creatures of heathen origin, would assuredly diminish his zeal as a teacher of the true religion. The shrewd guesser at success in the every day affairs of men, feared that refinement in classical learning would soften the courage necessary for a determined advocate at the bar. All this was probably right. Society was not old enough in this country to encourage the pursuits of literature to any considera-

ble extent. The finest fleeces of our sheep—the best crops of our cotton were not manufactured at home. We could, and did, import our broadcloths and our poetry cheaper than we could make these articles. But notwithstanding this course was wise and prudent, we may be allowed to breathe one sigh of regret that we have seen some men, most happily constituted by genius, taste and ardour, to emulate the first writers of the old world, rudely torn from the pursuits they loved—from the embraces of the muses, to pass away a life in uncongenial labours.

At no period in the history of man, has the human mind been more actively employed than in the thirty-eight years which have elapsed since the peace of 1783. The mechanical inventions which diminish labour, and bring comfort and luxury to our doors, have in that period multiplied among us beyond enumeration; philosophy has been brought from heaven to earth to do the "common chares" of life. Letters alone have been neglected, or it might rather be said, not cherished. We have not had that refreshing leisure which is necessary to the growth of elegant literature. We have been building up a nation—and have been too much engaged in the stone and mortar of our imperishable institutions, to have spent much time

in delicate finishings and tasteful ornament. To prove that we are capable of as high attainments in literature, as in the weighty matters of the sciences and the arts, we have only to look around and see whom we now have, and look back on those we once possessed. Among those, gifted with every talent, and every grace for eminence in literature, was the subject of this sketch; but he was too proud, or too politic, to pursue that which did not receive its proper meed of honour. Public sentiment and patronage only can make poets and historians.

Hodge died on the 6th of July, 1816, and at that time I drew a short outline of his character, which, as it was then warm from the heart, I shall insert in preference to writing another.

'Michael Hodge, jun. Esq. who died last week at Plymouth, a native of this town, was a man of genius and letters, whose acquirements were extensive, various and useful, but whose capacity was greater than his attainments, and whose talents were more conspicuous than his knowledge. The distinguishing traits of his mind were quick perception, lucid arrangement, forcible illustration, and accurate taste. He always met a subject with powers to manage and control it to his wishes, and such was the application of his

taste, that its roughness was made smooth, and its harshness done away—and what was effort to others, seemed common exertion to him. The "*Mens Divinior*" of genius lighted his track through all the windings of ratiocination to satisfactory and convincing results. His was not the hammered and laboured chain of reasoning, formed of ordinary and ponderous metals, but a string of gems of inestimable value and curious polish. His disposition was ardent, his feelings always acute, and sometimes fastidious; and, indeed, his whole temperament was too sanguine ever to know that equability that mediocrity so frequently enjoys. He passed through his college and professional studies at an early period of life, and began the practice of the law with high reputation and good prospects, and was soon known as a discriminating and successful advocate, who entered with ability and zeal into his client's cause. But notwithstanding his claims to superiority, he was never perfectly satisfied with the profession of the law; —for in his character was exhibited that moral enigma, which has so often perplexed the metaphysicians—great personal intrepidity united to a painful and shrinking modesty;—a fearfulness of all the forms of danger, to a diffidence in the discharge of professional duties.

The constitution of HODGE was from early life rather delicate, and after a few years of professional attention, seemed much impaired. Wealth and fame, sometimes the reward of honest labours and a virtuous ambition, in his profession, appeared at too great a distance, or too doubtful for one constituted like him; and he relinquished the law for mercantile and maritime pursuits. But after all his feelings, ill health was probably at the bottom of his impatience, and the real and only cause of his leaving the profession; for a few years more of practice might have taken off all that was irksome, and opened to him such views and hopes for distinction, as to have made his labour and duty pleasant. His love of literature still continued, and his occasional productions, as essays, orations or poetry, (for he sometimes sacrificed to the Muses) were always in the first class of good writings. His warmth of feeling, his rich, but chastened fancy, his critical acumen, and analytical powers, gave such ductility to his thoughts, and such harmony and sweetness to his language, that the charm which attracts and detains you, which taste delights in, and the understanding approves, which is found in the pages of Addison and Jones, was peculiarly characteristic of his pen. For several years he has suffered

much from an irritable and wasting disease, yet his spirits remained unconquerable, and his energy undiminished;—he persevered in activity until action with him was over forever.

So much, and such varied talent, delicacy of taste, such unwearied and vigorous habits of business, such sensitive and admirable tact for every thing he engaged in, and such heroic and high-tempered daring, such hardihood in suffering, as was combined in the character of HODGE, is rarely found united in any one.

Such a man, so full of soul, enterprise and labour, to have lasted long, must have had an iron frame—but his was not commonly robust, and he is gone, at the premature age of thirty-six.'

Before he relinquished his professional pursuits, and when he knew the old world only through the medium of books, he often made comparisons unfavourable to his own country. He saw European society through the medium of a few great men, and formed his opinion of their knowledge by reading their standard authors; distance also "lent enchantment to the view." How wise must that bench of justice be where Mansfield presided? and how eloquent and patriotic that senate where Burke and Fox harangued? How charming was that social circle in which Voltaire was crowned? and

how lovely the muse that inspired Klopstock and Gesner? This is the common language of youthful genius enamoured with what is great or elevated in the intellectual world. But after ten years acquaintance with the south and north, and in fact, with most parts of Europe, he became satisfied with the land of his birth. His was not a superficial knowledge of those things which make up national character and dignity, but being well qualified to judge, and bringing a mind rather prejudiced in favour of European nations, he weighed well the subject of their advantages and never afterwards repeated the wish that he had been born in some other country than America. He examined their courts of judicature, and was satisfied that if we had something yet to learn, that we had avoided much which it was better not to know. If at home he had sometimes seen ignorant and feeble men raised by the suffrages of the populace to offices they did not deserve, abroad he had frequently witnessed the elevation of corrupt and ambitious minions of power. Here there is no royal hand stretched forth to feed the young eagle, to give him strength and courage to reach "his pride of place," but there is no aristocratic power to strike to the earth the young aspirant for fame. If we have but little of that lofty cultivation which pro-

duces and cherishes the great masters in poetry, painting, sculpture, and the philosophy of the mind, yet we can say that the light of our knowledge gleams on the humblest residences of man, and is sufficient to learn him his duty to himself and his neighbour. If a few of our high-gifted citizens have gone across the Atlantic for that patronage and support which could not be found here, myriads of European subjects, oppressed by landlords, avaricious tax-gatherers, and arbitrary governments at home, have emigrated to us and found comfort and freedom here, and grown rich and prosperous on our soil. We do not deny the fact, that some of the nations of Europe have permanent orders of men, hereditary opulence, and all the means and much of the disposition to accumulate knowledge and to dispense a generous patronage to those who labour for intellectual glory. England, in particular, who has stretched her power through every clime, has equally extended her patronage. It would be idle to deny that by her fostering hand, genius is more certainly developed, and its exertions better secured than with us. This is but part of the question; there are other views of it of superior importance. Is there a nation on earth that enjoys the necessaries of life, its conveniences and comforts in the full measure that we do? Where

can be found so much civil, political, and religious liberty as we possess? If our literary and scientific information is not so concentrated and pre-eminent as theirs, and if we cannot number so many beacon lights on our intellectual heights; yet we can say, without the hazard of dispute, that there is a more general diffusion of elementary information among us than in any other country. We have no starving rabble such as is found in every city in Europe, which constantly disturbs their peace, and frequently threatens the destruction of civil government.

But after all the comments on both sides, perhaps there can be no standard to judge of the amount of happiness enjoyed by any people. The blessings of nature and providence are more equally apportioned, than we imagine them to be. Some place the value of life in one thing—some in another. Who knows enough of human nature, to say that the Arab—the poetical wanderer of the deserts, who beguiles the night by tales of wonder, and revels in the magic creation which his own prolific fancy has spoke into existence, is not as happy as the peasant of the hills of Switzerland, who never left the cliffs on which he was born? Some nations may rust out in peace, or waste their strength in pageantry and the refinements of indo-

lence and pride—while others are broken down by exhausting wars—who shall say which is the happiest of the two? Different dispositions would frame a different answer. One thing is certain, at all times—that pitiful insults will always produce bitter recriminations, and that prejudice has her long train of ills between nations, as well as individuals. A literary contest on a national scale is worse than one of arms, for it is likely to last longer, and to do more mischief. These animosities arise from self-importance, and narrow views of great principles, and they grow warmer and more hateful as they continue, while the strife of battle begets generous sentiments; and the adversary who bravely falls, is often sincerely lamented. Our prayer is for a millenium in the literary world. Philosophy teaches the creed, and christianity sanctions it—that one nation has but little superiority over another—that all the children of men are sons and daughters of God, and the peculiar care of Heaven.

END OF VOLUME I.

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